The Washington Monthly

MAY 1992/$3.50

- How William Gates and Paul Tagliabue helped Aramony bilk the United Way
- The real Ross Perot
- From Honest Abe to Ollie North: How Americans learned to love the lie

What she's hiding

Politics' uxorial advantage

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What he's hiding behind

So many specifics, so little substance

by Christopher Georges

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LETTERS

Our Jennifer judgment

For shame! The *Monthly* now has committed the same venial sin it accuses other media of, in your April "Who's Who" squib about "Jennifer" and Gennifer. The innuendo is obvious: that there is a lady named Jennifer who might surface to make allegations about George Bush like those Gennifer Flowers made about Bill Clinton. The *Monthly* isn't *The Star* or the *Enquirer*. Your readers can buy those tabloids if they want to. If there's a story, and decent sources to back it up, print it. Put up or shut up. Otherwise, please don't dip your toes into the hog wallow.

WILLIAM A. DOBROVIR
Sperryville, Virginia

The editor replies:

If Jennifer were a private citizen, we would agree with Dobrovir. But she works as a high federal official—a position she was given by the Bush administration—under one of Bush's closest personal friends. This is a position that requires considerable diplomatic skill, which she lacks; thus it's hard to believe she got the job on a merit basis. Incredibly, she was also caught abusing her diplomatic credentials to smuggle furs into the U.S. in July 1989, while returning from an official trip to Argentina. Instead of being fired or prosecuted, she was fined $648 by the Customs Service for "misdescribing" the value of a fur-lined raincoat and failing to declare a silver fox cape. She continues in the job at her annual salary of $112,000.

Although Jennifer's past affair with Bush remains a rumor that we can't prove, if we had to guess on the basis of the evidence available, we would opt in favor of saying it's true. Certainly, because of Jennifer's job, the rumor bears examination by the rest of the press. Our "innuendo," by the way, was not that Jennifer might decide to make allegations against Bush. After all, she's getting more than six times the payoff Gennifer got.

Father knew best

I read with great personal interest Christopher Georges' story ["Confessions of an Investigative Reporter," March]. The reason for that interest is the HUD scandal.

My father, a career civil servant, retired from HUD in 1986 after serving the agency since its founding in the Johnson administration. In his position as a GS-15, he witnessed a lot of "interesting" practices during the Reagan years. When he made the decision to take early retirement, he went to four different organizations that had the power to bring the scandal to light. He felt secure from retaliation because of his retirement.

My father approached Common Cause, *The Washington Post*, a prominent liberal senator for whom a friend worked, and the investigative reporter for a Chicago television station, WBBM (CBS). He gave specific details to these people. He named names and told them where to look for questionable deals. He also backed up what he was saying with concrete evidence.

Common Cause sent him a letter commending him for good citizenship, but it did not have the manpower to look into his allegations. The *Post* reporter who spoke to him said it did not sound like anything worth looking into. The senator's office told him that since he was making allegations of illegal activities, it would turn the matter over to the FBI. Finally, the television investigative reporter told my dad that he did have a very important story. However, it was was not "sexy" enough for television.

ROBERT HORWITZ
Chicago, Illinois

Georges clearly showed how network television, for all its pretensions, contributes little more than third-party reporting on any serious matter.

As a former official of one government investigative agency, I watched "60 Minutes" botch up more than one serious ongoing investigation. In one case, Dan Rather pontificated on the failure of my agency to do something about a situation involving widespread bribery and fraud. He failed to mention that we had already caused the indictment of 79 individuals and firms involved in the situation he had "discovered." As he alerted the American public to this threat, he was standing in the very place where we were conducting the investigation, which, by the way, was completely disrupted by Rather's presence and "revelations." The U.S. attorney dropped the remaining cases after Rather's performance.

WILLIAM J. GOULD
Washington, D.C.

Saving grace

Tilting at Windmills has been my favorite feature for almost 20 years, but the November column had me seeing red.

First came the gratuitous comment that New York is "beyond saving." While we have more than our share of problems, we don't need additional excuses for a lack of federal commitment. I can't imagine your suggesting that Moscow or Beirut is "beyond saving," although the problems there seem far more intractable than ours.

Then there was the shot at D.C. Mayor Sharon Pratt Kelly. Instead of criticizing her for taking vacations dressed up as business trips—a favorite *Monthly* target—you complained that she had left town when her city was facing difficult times. I thought we were supposed to discourage the idea that any one elected official, or bureaucrat, is indispensable, as this leads to an elitist mentality.

But what really burned me was the reference to the Unitarian Church, Episcopal Church, and Jewish faith as "affluent" religions. Dressing up this old canard of traditional anti-semitism by reference to two other groups hardly gives it any firmer a base in reality.

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I admire Charles Peters, but I think he needs to get beyond the Beltway for some air. He could start by visiting the Satmar Jewish community in the Williamsburg section of Brooklyn, home to approximately one quarter of the 130,000 New York City Jews who live below the poverty line. From there he should go to St. Mary's Episcopal Church in nearby Clinton Hill, a predominantly black, working-class congregation that continues to strive for a better society, even in the face of cruel and outdated stereotypes.

KENNETH K. FISHER
Brooklyn, New York

Mr. Fisher is a city council member for the 33rd district of New York.

Retiresome

I would like to thank Matthew Miller for his amusing "Raison Debt" sidebar in your January/February issue. While his comments on the social security system hit the bull's-eye, he missed the side of the mountain with his opinions on the federal retirement system. The line about federal employees being taken care of by "the government's generous retirement programs" demands a belly laugh at least.

Miller writes, "Two out of five civil servants retire before age 55." Before 55? Page six of the Federal Employees Retirement System (FERS) handbook clearly states that the minimum retirement age is 55, and that's only if you were born before 1948. The only exceptions are involuntary separation or voluntary separation during a major reduction in force.

He continues by saying that those who retire before 55 do so "at a percentage of preretirement pay that dwarfs that of the programs in the private sector." Dwarfs? That was the first time I'd ever heard that any kind of government pay dwarfs its private sector counterpart. As page seven of the handbook says, my annual retirement will be calculated as follows: high-three average yearly salary, times my number of years of service, times .011. So if I make it to upper management and gross an average of $50,000, with 30 years of service my retirement will be $16,500. If that's dwarfing private sector pensions, you may call me a Democrat and I won't say a word.

JOE DUSEK
Orland Park, Illinois

The author replies:

The "two out of five" figure I cite is for current pensioners, who are covered by the Civil Service Retirement System. It includes those federal employees who retired before age 55, as well as those who went on disability.

It's true that the newer FERS system Dusek mentions has lowered the pension "replacement ratio" from 56 percent of highest salary to the low thirties, which is closer to private sector pensions. But don't be fooled into thinking that those pensions are no longer bloated. What Dusek may not realize is that virtually *everyone in the work force* was grandfathered when the new system was introduced—meaning the "old" system will be with us at least another 20 years. The new, "leaner" system applies only to employees hired after 1983, and thus won't fully click in until 2013. What's more, many employees have switched to the new system by choice in spite of its lower "replacement ratio" because of the supremely generous new 401(k) plan it allows as a kicker. Younger bureaucrats can now shelter up to 10 percent of their income from taxes annually and have Uncle Sam add 5 percent to boot—a deal hard to come by in the private sector. And retirement ages—starting at 57—will remain absurdly low for government workers compared to people in the real world. Readers eager for more details should call Hastings Keith, a former congressman who now passionately leads the lonely fight against bloated public pensions at the National Committee on Public Employee Pension Systems at (202) 293–3960.

Finally, if this is the first time Dusek has heard about any government pay or benefits outstripping the private sector comparables, that's probably because he believed his job description.

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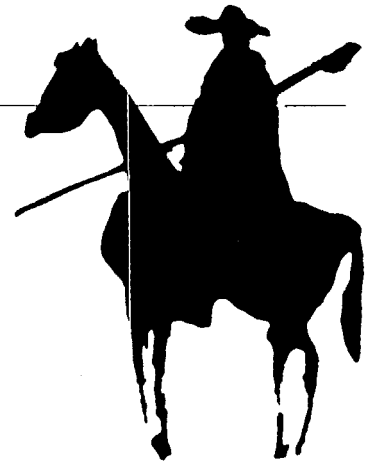
TILTING AT WINDMILLS



Here's an item for our "Only In California" department. For the past four years, the city clerk of Hawthorne had been collecting his official salary while living in Kailua-Kona, Hawaii where he sells houses and runs a beauty salon. He probably would have continued to do so had it not been for a concerned taxpayer in Hawthorne who asked why so much of the city's budget was being used to pay for collect phone calls from Hawaii. . . .

By now we've all read about psychiatrists who sleep with their patients. But have you heard about what might be called the solo sleep treatment, in which the patient dozes away his hourly appointment? Dr. Peter L. Giovacchini recently recommended this novel approach at a conference sponsored by Massachusetts General Hospital and summarized in a report in *Clinical Psychiatry News*. One patient, according to the report, "slept through six months of sessions." Think of all the correspondence the physician could attend to, not to mention the phone calls he could return or the journal articles he could read. In fact, I'm sure some doctors are already claiming continuing medical education credits for these hours. . . .

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If I write an op-ed piece for *The New York Times* urging one course of action, immediately bet your bankroll that the opposite will happen. You're sure to collect.

One January morning last year, I wrote, "Don't go to war." That night, Bush ordered the attack on Iraq. On an April morning this year, I urged Paul Tsongas to re-enter the race. A few hours after the piece appeared, he announced that he would not do so.

Some might find this disheartening, but I see a silver lining. On election morning next November, count on reading my article in the *Times* urging the nation to re-elect George Bush. . . .

Have you noticed how many characters in movies are smoking these days? For a decade or so after the dangers of tobacco were confirmed, only an occasional neurotic villain would light up on screen. It may not be as bad today as in the thirties, when practically every actor had a cigarette between his lips, but I fear the result will be the same: another generation addicted to nicotine. An example is the comedy *Green Card*, in which the engaging Gérard Depardieu displays his independence by smoking. . . .

It's sad how the Washington establishment has united against Jerry Brown's 800 number and $100 campaign contribution limit. As I've already written, I agree with Brown completely on this one. But the inside-the-Beltway crowd is seething at the threat Brown's idea presents to its

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continued reign. Even my favorite cartoonist, the sainted Herblock, has joined in the attack with a cartoon depicting an obviously demented Brown holding a placard that reads, "Dial 1–800–NUTCAKE." . . .

The guilty party in another injustice to Brown is the *Los Angeles Times*, which ran a front-page story (that the rest of the national media quickly picked up) accusing Brown of appointing lawyers who had made contributions to his campaign to the bench. The "evidence" was that approximately one fifth of the judges Brown appointed had contributed to one or more of his campaigns. Since it figures that roughly half the lawyers in California are Democrats and most of them contribute to campaigns—as anyone who has worked in politics knows, lawyers are the most politically active of all professionals—one fifth is actually quite modest.

But if the *Times* was the sinner in this case, lately it has been more sinned against. Its important story (see the Monthly Journalism Award, page 16) revealing that George Bush, as vice president and president, consistently went out of his way to help Saddam Hussein, even up to the moment of Iraq's invasion of Kuwait, was practically ignored by the rest of the big-time press. *The New York Times* was indifferent, and *The Washington Post* ran an account of the story on page 13. Only *The Philadelphia Inquirer* gave it front-page prominence.

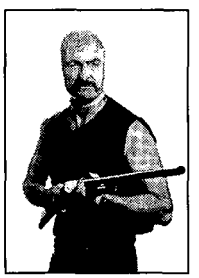
The New York Times also downplayed another important story developed by the *Los Angeles Times* (and *The Washington Post*) revealing that Bill Clinton had failed to disclose that he had received a draft induction notice. *The New York Times*, which has endorsed Clinton, ran the unhappy fact, but buried it inside on the crucial day preceding the primary.

To complete the daisy chain, *The New York Times* itself was recently screwed by its competitors' reaction to Andrew Rosenthal's amusing story about how the miracle of electronic checkout amazed George Bush at a national grocers' conference. Instead of admitting that Rosenthal had been smart enough to spot something in a "pool" report that was available to the entire press corps, his competitors became obsessed with knocking the story they had missed.

The Associated Press tried to prove the scanner was an advanced model Bush should not have been expected to know about. And Howard Kurtz, *The Washington Post*'s journalism critic, suggested that Rosenthal was wrong about the facts, presumably not realizing that the *Post* itself had reported the same facts, only at the end, rather than the beginning, of its story. . . .

The existence of the daisy chain is, unfortunately, more than a tidbit for journalistic insiders: It means that jealousy toward the competition can keep the public from learning important facts. In one of the worst examples in recent history, the *Los Angeles Times* was again the victim when it found the Watergate "smoking gun"—Nixon's injunction to Mitchell, Haldeman, and Ehrlichman that "I want you to stonewall it." *The Washington Post* relegated that revelation to the back pages. Because of Woodward and Bernstein, the *Post* felt it owned the story and was not going to permit a competitor to get a leg up. . . .

HOW DOES THIS BOY



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Alan Dershowitz so excels at self-promotion that I am reluctant to add fuel to the fire he so solicitously stokes, but I must pass on a point he made recently. He caught the Supreme Court agreeing to hear an appeal at the same time it confirmed an execution date for the appellant. This means there is an excellent chance that the appellant will be dead before he can be retried. . . .

Did you know that only 30 percent of our physicians are general practitioners? And that figure includes general internists and general pediatricians. In other developed countries the figure ranges from 50 to 75 percent. Unfortunately, the situation in the U.S. is getting worse. Fewer than one fourth of graduating medical students now intend to have general practices.

The reason is that specialists make more money. The problem for society is that the costly procedures specialists frequently advocate are a tremendous burden on Medicare, Medicaid, and other insurance programs. If all this helped improve health, its merit would at least be arguable. But the fact is that we are less healthy than many developed nations.

"There is, for example, no correlation between the rate of coronary artery disease and the frequency of bypass surgery," writes Dr. Steven A. Schroeder, "but there is a strong correlation between the frequency of that surgery and a nation's investment in doctors and technology to perform it." . . .

"Bill and Hillary Clinton took 136 free plane rides from rich friends, corporations, and the Democratic Party as he geared up for his presidential race in the past two years," the Associated Press recently reported. One of these rides was a free trip from Aspen, Colorado to Little Rock on a plane leased by Bandar bin Sultan, Saudi Arabia's ambassador to the United States, whom the Clintons had met at a governors' conference in Aspen.

"When the meeting ended, the ambassador offered them the use of his rented plane so they could extend their visit," a Clinton aide told AP. "He just wanted to talk to them."

Now you know the secret of access to important officials. If you want to get your point across to a big shot, all you have to do is lease a plane and offer the official a lift wherever he wants to go. Then you have the whole trip to lobby on behalf of your cause. Of course, the only catch is that not all of us can afford to rent a plane—which explains why some of us have more influence than others. . . .

Air Force Chief of Staff Merrill McPeak is reducing his headquarters staff by 21 percent, getting rid of 15 of its 58 generals. "What we have done is eliminate an awful lot of assistants and deputies and vices," he told an interviewer. "People who have modifiers in their names are an endangered species." To veteran observers of the bureaucracy, McPeak sounds like he knows what he's doing. Excessive layering is one of the main problems of Washington bureaucracy. On the other hand, his insistence that Air Force personnel wear V-neck instead of crew-neck T-shirts suggests to the same observers that he has his own petty bureaucratic tendencies. . . .

Eighty-two percent of physicians say drug salesmen offer them gifts as encouragement to prescribe their employers' drugs, according to a report by Richard P. Kusserow, the inspector general of the Department of Health and Human Services. The average doctor receives 28 such offers a year, ranging up to $38,315 in value.

Recently the *San Jose Mercury News* looked into the gifts drug companies are offering California doctors. They include trips to Lake Tahoe and San Diego, dinner at the Fairmont Hotel, and my favorite, a glossy 300-page travel magazine informing doctors of various exotic places they can go for continuing education credit. . . .

Speaking of doctors who might be on the take, have you seen the Upjohn commercial that urges balding men to call an 800 number for the name of a doctor who will help them decide whether Rogaine will cure their hair loss? It doesn't require a high degree of cynicism to suspect that the physicians involved will be grateful for the referral and express that gratitude by prescribing Rogaine. . . .

This can't be an "Only In California" because the same kind of chicanery is happening all over the country, but in this case it occurred in Los Angeles County. The chief administrative officer, Richard B. Dixon, recommended a few changes in the way pensions for county employees were calculated. He had to get approval from the county board of supervisors for the changes. You won't be surprised to learn that those changes resulted in a pension of $127,000 for Dixon—and for each of the retiring supervisors.

The absurdity and expense of public employee pensions will soon dwarf the savings and loan scandal. Here in Washington, where one out of every 15 citizens

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works for the city and where policemen and firemen retire after 20 years of service and other public servants as early as age 55 with 30 years' service, the entire middle class will have to flee because it won't be able to afford the taxes these pensions will require. . . .

And speaking of pensions, let me not forget to roast once again the affluent among my fellow senior citizens (I hit 65 last December). Their greedy insistence on collecting benefits they don't need is encouraged by cowardly leaders like Bill Clinton and George Bush. Warren Rudman recently announced his retirement from the Senate and thereby acquired the courage to speak out about the scandal.

Recalling the period in the early eighties when a slew of horror stories appeared about people being wiped out by the cost of a catastrophic illness and people started calling for Congress to do something, he told a reporter:

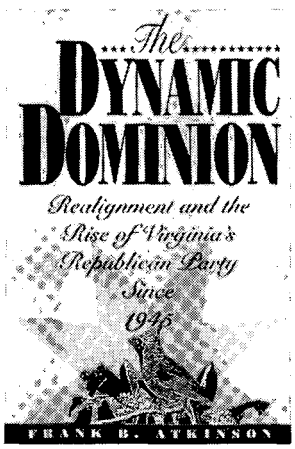
"OK, we passed the bill—a damn good piece of legislation as a matter of fact. People who had the ability to pay had to pay a higher premium than those who didn't. Do you recall as vividly as I do the television reports of Dan Rostenkowski's automobile in Chicago—and how they were literally trying to turn his automobile over, they were so angry at him? Because they had suddenly found out they were going to have to pay. These are the people who can go on cruises. When you're down in Miami, you see all the well-to-do senior citizens who have plenty of money to do what they want to do. They were going to have to pay as much as $700 of their annual income toward health care. What did we do? We repealed the bill.

"It's time to tell them the truth. And if you get defeated while doing it, well, it will be worth doing it. At least you do something good for the country." . . .

In case you missed the article "Our Do-Nothing Government," which appeared on the op-ed page of *The New York Times* on March 30, it was written by an official of the Bush administration who, according to the *Times*, "requested anonymity for fear of reprisal."

After noting the "risk-averse in-box approach that pervades all levels of the government," the author observed:

"The best and the brightest at my agency and others dutifully exercise caution in substantive matters, avoid action, and



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by Frank B. Atkinson

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continually seek another clearance, another signature, another authorization until somebody just finally says no.

"Either by design or default, almost every federal agency has been guilty in the past two years of moving only in accordance with a political reaction to an event—not a moment before and not an inch beyond what is needed to quiet things down."

I have long believed that the most dangerous combination in the world is a Republican making policy and a civil servant carrying it out, because neither really wants to do anything. . . .

Since I've been involved in journalism, the source that has been most underutilized by my peers has been Mike Causey's Federal Diary in *The Washington Post*. Not even the *Post*'s own reporters read the column. Once a prominent *Post* reporter seemed to have lifted a story from *The Detroit News*. This was in the Bradlee era, when any inclination to credit other papers, as the editors of the *Los Angeles Times* will attest, was thoroughly suppressed. I noted the apparent theft in this column. Causey called to say, "I printed that story six weeks ago."

Causey is a must-read on Mondays, when he publishes letters from federal workers. They provide a unique window into the mind of the civil servant. One recent example was a letter complaining that Causey was revealing too much about federal employees' benefits:

"But you're making it look so good I worry it will tick off a lot of private-sector folks."

This was exactly the reaction I got to the first issues of *The Washington Monthly* in 1969. I thought that by telling the truth about bureaucratic perks and cons we would win the respect of at least the idealists inside the government. Instead, they whispered in my ear, "Don't print that. It may be true, but our enemies will use it against us." Even the good guys were afraid of the truth.

Another example of what can be learned from Causey is found in his recent column, "Waiting for a Windfall," which explains why much of the bureaucratic elite—the Senior Executive Service—will retire during the month of January in 1994. The reason is that their pensions will then increase dramatically because of the salary raises they got in 1991, ranging from $16,000 to $24,000. Retirement income is based on the last three years of salary, so you see why 1994 is a magic number. Unfortunately, this means a number of senior turkeys are holding on for dear life while some of their brightest juniors are being tempted to leave government because they can't be promoted to the positions the turkeys are clinging to. . . .

One reform we should import from Britain immediately is its limit on campaign spending by candidates for Parliament. If you're running for the House of Commons, you can't spend more than the equivalent of $15,000 and you can't buy television time. You must campaign the old-fashioned way—by getting out and getting to know the voters. You can't escape listening to them and learning about their problems. This is far better than the impersonality of television, with its temptation to run commercials that are always misleadingly affirmative about the candidate or deceptively negative about his opponent.

It is sometimes argued that spending limits favor incumbents who may be better known than their challengers. The greater danger is that incumbents can raise much more money than the challengers precisely because of their incumbency. Any challenger with wit and drive can find ways to become known in his district before he runs. . . .

CNN is the winner of our Chickenshit Campaign Exposé Award for its revelation that one of Jerry Brown's telephone operators suggested to a donor who wanted to give more than $100 that each of his family members could give that amount as well. This is further evidence of the political establishment's desperate desire to kill Brown's campaign finance reforms. How could CNN present such a relatively innocent act as a major scandal? The real outrage in American politics is not when people conspire to give hundreds of dollars to a candidate; it's when the big boys give thousands, tens of thousands, and hundreds of thousands. . . .

William Aramony's salary of $463,000 may have been the most shocking revelation of the United Way scandal, but there are a lot of other fellows out there who are doing well by doing good. Franklin A. Thomas, president of the Ford Foundation, makes $422,426. The Rockefeller Foundation's Peter C. Goldmark Jr. gets $346,500, and Gilbert M. Grosvenor, president of the National Geographic Society, gets $343,701.

Even in my hometown, Charleston, West Virginia, where the average salary is modest indeed, the president of the United Way gets $77,000. On the other hand, the head of the organization that has traditionally done the best job of helping Charleston's down-and-out, the Salvation Army, gets only $23,000. . . .

—*Charles Peters*

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Board Stiffs

How William Gates and Paul Tagliabue helped William Aramony bilk America

by David Shenk

The United Way of America's Board of Governors may have been asleep at the wheel for a couple years while the world's largest charity was billed for limousines, exclusive condominiums, and flights on the Concorde, but at least it knew what to do when its $3.1 billion bus wandered off the road and hit a telephone pole: *Quick—to the press release*. After an initial stalling gambit, William Aramony, United Way's embattled president, was sacrificed on the national media altar as the board came up with a comprehensive plan for public image renewal.

"The perception created by [Aramony's] poor judgments has been damaging to the institution," allowed United Way board member Robert E. Allen, CEO of AT&T, in an electronic letter to AT&T managers, as other board members scrambled to assure the public and potential donors that the cleanup was in effect. To the casual newspaper reader, the post-scandal scenario seemed fairly reassuring: The renegade manager who duped his well-meaning board had been caught and duly punished.

But wait a second. Who made these myriad "poor judgments" that so damaged the integrity of the United Way? Aramony's salary and benefits had been set annually by the board. His travel and expense records were periodically available for board review, along with every other piece of relevant information about the management of United Way of America. The three for-profit spinoffs, responsible for much of the public outcry, had been explicitly approved by the board. And those board members, incidentally, were fully capable of reading a spreadsheet. They included the CEOs of Microsoft, Exxon, Johnson & Johnson, J.C. Penney, and Sears; the chairman of IBM; the presidents of several unions; and the commissioner of the National Football League.

David Shenk is a Washington writer. Research assistance was provided by Mike McAuliff and Scott Greenberger.

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While Aramony may have been a sloppy president with expensive tastes, by law the buck was supposed to stop with that high-profile board. Unfortunately, in the nonprofit world, the buck often doesn't stop anywhere. Instead, it drifts around aimlessly until it's buried in a basement filing cabinet or shredded à la Aramony. Why? A great number of nonprofits are entrusted to boards of directors populated by over-extended executives and status-seeking lawyers or financiers who have neither time for, nor interest in, real oversight.

"Board people like that only want to hear good news," explains former United Way staffer Pat Barrett. "They're here to feel good, and they don't want to deal with tough problems. They've got plenty [of problems] in their regular jobs." And she's not just talking about the national headquarters of the United Way. In a recent survey of local United Way affiliates, the Not For Profit Leadership Project at Baruch College discovered that only a third of the nonprofits' executive officers believed that their board members fully understood the mission of their particular organization. Imagine how little they knew about the travel expenses of their executive directors.

Such board detachment makes for a volatile situation. Because neither the government nor the media displays much of an interest in the nuts and bolts of nonprofits, the entire nonprofit sector, which controls hundreds of billions of dollars, is left in the hands of a few administrators charged both with spearheading their organization and auditing their own actions. If those administrators aren't honest—and the temptation not to be is considerable when no one's watching—you've got Aramony all over again.

The expectation that nonprofits will perform their charitable purposes scrupulously is what earns them their public trust and massive tax exemptions. But a review of board behavior in some of the eighties' great nonprofit scandals—United Way, Stanford, Covenant House—suggests that turning that expectation into reality involves a lot more than the occasional removal of profligate leaders. It requires changing the structure—and the culture—of the boardroom.

It worked for all of them

For the jet-setting CEO whose real job is generating quarterly corporate profits in tens of millions of dollars, the nonprofit world might seem a little like the Land of Make Believe. While his official work is compensated with six or seven figures, the nonprofit job is volunteer. A for-profit corporation has attentive shareholders who want a quick return; nonprofit donors expect only satisfaction and/or tax deductions in return. Real jobs require hands-on interaction eight or ten hours a day, five days a week. Nonprofit boards meet once a month at most.

Thus nonprofit boards tend to become paragons of laissez-faire management—worse, even, than the notoriously incestuous and disinterested boards of major corporations. After all, that's the way the incentives are rigged. In addition to receiving no compensation and having no shareholders to answer to, board members are routinely indemnified against liability for potential neglect or abuse. So, aside from personal virtue, there's often no incentive whatsoever for a board member to act responsibly.

Of course, board members shouldn't get all the blame for their hands-off behavior. The tradition of benign neglect is fostered by the staffs of the nonprofits they sit on. What starstruck nonprofit executive wants to criticize William Gates or Paul Tagliabue for not giving enough? It's easier to stroke them for giving at all.

The meetings of the United Way board, which occurred three or four times a year, were marked not by intense scrutiny of tax forms, but rather by good meals, a self-congratulatory sense of philanthropy, and a cursory review of the books and major issues. Indeed, the point was to have a good time. "Basically it was Aramony's board," says Pablo Eisenberg of the Center for Community Change, a longtime critic of United Way. "He put it together for his buddies."

"In all these big boards, the executive selects the board," says Nelly Hartogs, director of the Not For Profit Leadership Project. "They run like a secret society, and they all agree with each other." If things appear to be going well, it's tacitly understood that the board will not interfere.

And if something does go wrong, the initial instinct is to circle the wagons. Which is exactly what happened at United Way. At the first hint of the scandal, the board commissioned an investigation by a friendly firm and then quickly issued a unanimous vote of confidence for Aramony. Only after the story erupted onto the front pages did the board accept his resignation.

There is a certain board-staff protocol, and players are expected to stay on their side of the line. "There were executives," Hartogs recalls from her survey, "whose motto was, '[Board members] don't bother me, and I don't bother them.' " When California lawyer and former energy secretary John Herrington came onto the board of the nonprofit East-West Center in Hawaii, he wasn't exactly impressed by the board's oversight of $30 million in federal funds entrusted to its charge. "My impression of my first board meeting was that it had no substance whatsoever," he told *Hawaii Business* magazine. "I tried to

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raise some questions in the board meeting with the chairman. He would not entertain the questions, he was very defensive, and he was not interested in talking about the center itself. . . . [T]he governors were kept away from anything substantive." The executive director may have had reason for his resistance; he eventually resigned under a cloud.

"The more successful an organization is at raising money," says Robert Bothwell, executive director of the National Committee for Responsive Philanthropy, "the more corporate the board is going to act—in other words, the more it's going to let the charity alone. The corporate model says that the board chooses the next executive and then steps back unless things aren't working out right."

But, clearly, even when things aren't working right, boards don't always notice. Consider the Community Foundation of Greater Washington, which boasted the support of Barbara Bush, Elizabeth Dole, and dozens of other Washington powerbrokers. While the executive director and his tiny staff spent a quarter of a million dollars on travel and meetings—figures stated clearly on the foundation's IRS filings—the foundation's fundraising well was running dry. But none of the board members noticed until stories about the spending appeared in the press. "When you meet maybe twice a year, you don't do a lot of micromanagement," laughed board member Eleanor Holmes Norton when asked about the foundation's budget, while another board member, a Washington Post Co. executive, admitted he hadn't been to a meeting in more than a year.

"Oh, am I still a board member there?" he asked innocently. "I thought they took me off."

Krafty

One of the great impediments to adequate board oversight is the very magnet that lures bigwigs to boards in the first place: social status. "In general, people see sitting on a board as a real plum and don't think about the work," says Don Wilson, who raises money for several nonprofits. "That pervades the entire nonprofit sector." While real jobs are generally doled out one-per-customer, nonprofit board seats are coveted honorifics snapped up by the half dozen.

For proof, just track down any of United Way's board members in *Who's Who*. Ralph Larsen, by day the CEO of Johnson & Johnson, currently sits on five other boards. Monsanto's Earle Harbison Jr.—six other boards. The National Association of Letter Carriers' Vincent Sombrotto—ten others. The Limited's Leslie Wexner—thirteen others.

For some in business, seat-stacking is a way to advance a career. Thomas M. James, a partner in Gorsuch, Kirgis, Campbell, Walker & Grover, a Denver law firm, explained to *The New York Times* not long ago why he spends an average of 25 hours a month on five nonprofit boards. "Sure, I'm committed to volunteer service," he said. "But let's be honest —exposure to the business community certainly helps in developing clients." In the same story, Lyn Corbett Fitzgerald confessed that while she was an advertising project manager for Kraft Inc., she sat on the board of the nonprofit Future Homemakers of America as a way to test-market some of her ad ideas. As soon as she left that job she lost interest in the nonprofit, subsequently leaving the board.

But seat-stacking poses a far greater problem for nonprofits than abuse by crass career climbers. Logic dictates that a person with half a dozen board commitments could hardly cast more than an occasional glance at the books of any one organization, and that a board composed of seat-stackers would, de facto, be hands-off. "The time spent by board members is a major factor" in the crisis of nonprofit accountability, says Eisenberg.

Of course, board members don't think they're spreading themselves too thin. United Way board member Charles Peebler, CEO of Bozell Inc., estimates he's on "seven or eight" different boards, but cautions that it might be more. He also admits he was much too busy to attend about half of his United Way board meetings. Still, he thinks CEOs like himself fulfill their commitments in a perfectly responsible manner. "Some people are doers," he explains.

Banc One CEO and Stanford University trustee John B. McCoy takes a similar stance. "I'm not just lending my name to nonprofit boards," he says of the five or six (he also couldn't be exactly sure) others to which he currently belongs. "I like to get into the nitty gritty." But after a few minutes' discussion, he seems to reconsider. "Basically, you're only meeting three or four times a year, and they send you a few things in the mail. You're not going to get involved in the day-to-day business of running the organization."

Blind trust

That's too bad, because McCoy's university was recently caught defrauding the federal government out of millions of dollars in grant money. But like the United Way governors, all members of Stanford's board of trustees contacted for this story denied responsibility for that scandal. And Stanford is an example of a board with relatively stringent requirements for its members, including a limit on the number of boards they can sit on.

"All of those [improper] expenses add up to a total

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of maybe one million or two. That's not a lot of money. . . . There's no way to smell something like that," says board member J. Fred Weintz, a Goldman Sachs executive.

"We were dependent on a process," says McCoy, "and the process was flawed."

Adds San Francisco lawyer and board member Roger Clay, "I don't think there's anything in the world that anybody could have done to avoid the Stanford cost controversy. So I don't think that's a matter of accountability." (Clay, it should be pointed out, came to the board only a month before the scandal broke).

But who can blame them? In the Land of Nonprofit Make Believe, you needn't worry about rules until you bump into them. After it was discovered that the Southern California Montebello Baseball Association, a regional little league group, had failed to file required financial statements from 1986 to 1990, Association Commissioner Larry Salazar said, "We have to admit those forms were not turned in. [But] if nobody tells you that you need to do it, you don't think about it."

It's fascinating to note how some of the most inspiring and reputable leaders by day in this country turn out to be world-class lemmings during nonprofit play time. Consider the megascandal at Father Bruce Ritter's Covenant House in New York. Ten months before financial and sexual shenanigans made headlines in New York, the *Los Angeles Times*' Kathleen Hendrix reported that rumors about Father Ritter's indiscretions had floated around for years. And board members concede now that they had inklings of them. Still, admits board member and Chase Manhattan Executive Vice President Edward L. Shaw, the board didn't take them seriously. "I don't think there were any [real charges] floating around," Shaw adds.

Why so trusting? "Bruce Ritter was the founder, the entrepreneur, the leader," Shaw says. "It was his creation, he raised most of the money, and like most entrepreneurs, he was the one who really ran things." The prestigious board also let its admiration for Ritter obscure its fiscal acuity, passing right over astronomical staff salaries, a secret Ritter-controlled trust (that even the IRS knew about), personal loans to board members, and loans and jobs to Ritter's family. Board member Ellen Levine, editor-in-chief of *Redbook*, notes that before the scandal broke, board meetings were "infrequent."

At least Ralph J. Pfeiffer, Jr., the chairman, was penitent when the story came out. "Obviously, we failed," he said of his board. "What we don't know is monumental."

Beware the hypnotic spell of the zealous nonprofit director. When Low-Cost, a Boston low-income housing organization, ran into financial difficulties last year and its president Rutledge A. Waker was suspected of negligence and fraud, *The Boston Globe* documented how its board members, won over by Waker's dynamism, had essentially served at his beck and call, refusing to question his actions.

Board member Janet Phinney said of Waker, "If that man isn't the most honest man I ever met, I don't deserve to live another day." Thomas B. Kennedy, a former chairman of the board, called Waker "a modern-day saint."

Not all boards are simply laissez-faire when it comes to fraud and corruption—some get right in on the action themselves. In 1987, Texas governor Bill Clements admitted that as chairman of the Board of Governors of Southern Methodist University, he had for years encouraged illegal boosterism—private support of individual athletes by wealthy benefactors.

Dentured servants

Sadly, when boards blow it, there's no secondary defense, either governmental or private, to safeguard the public trust. As the *Monthly* has long noted, the IRS treats nonprofits with kid gloves, requiring only a smattering of financial disclosure and seldom following up even when it suspects malfeasance. And the press? "The media is generally very inattentive to charities except when a big scandal comes along," notes Robert Bothwell, adding that "all the press ever does is ask about [administrative costs]."

As for nonprofit-sector umbrella groups, they're almost as laissez-faire as the board members. The two traditional independent watchdogs, the National Charities Information Bureau and the philanthropy division of the Better Business Bureau, rarely scrape underneath the gloss. Here, for example, was the official word from the Better Business Bureau in the wake of the United Way fiasco: "In past years, the national office, United Way of America, has met our standards, based on the reviewed materials they provided." That guard dog needs a set of dentures.

Even less interested in substantial reform is the organization that should be most concerned, the National Center for Nonprofit Boards, which is dedicated to advising board members of their responsibilities. What kind of advice do those board members get? Relax. According to Director Maureen Robinson, there is "nothing wrong with the system" as it stands. She has no problem with nonprofits' tendency to pack boards with busy executives, and finds nothing lacking in their oversight. In fact, most board members already provide "excellent service—not perfect but pretty damned good." Well, what about the United

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Way? "An aberration," Robinson says. The real problem there was actually one of "appearance."

How to make board members get serious about their philanthropic obligations? The first step might be to consider putting different kinds of people on boards. While CEOs and lawyers are valued for their rainmaking capabilities, the priority in the search to fill a board seat should be quality and commitment. "You need good working people," says Pablo Eisenberg. "Some can be prestigious, but the board is not just there for fundraising." Beth Daley of the National Committee for Responsive Philanthropy adds: "If the board isn't diverse, giving won't be significant for unrepresented [constituencies]."

In addition, board chairmen and directors should do their utmost to make the level of commitment required of all board members clear. Board bylaws should include a rule against serving on more than one other nonprofit board simultaneously. Boards might also want to consider creating separate honorary titles to confer social status upon those who seek only that instead of responsibility. That way, *Who's Who* retains its thickness, and nonprofits regain their integrity.

But perhaps there's a more dramatic, less sugar-coated way to keep nonprofits in line. Following the "Black Sox" scandal of 1919, baseball team owners, desperate to revive the game's credibility, took the drastic step of establishing a virtually omnipotent post of commissioner. The United Way debacle might be the impetus for analogous action in the nonprofit world. Taking Robert Bothwell's suggestion, the independent sector could form a new national independent watchdog organization whose sole purview would be nonprofits, and that would have unprecedented access to financial records of participating groups and real punitive power.

Such strictures might offend those elites who feel the gracious donation of their time should come with no strings attached. But if public good is really their interest, they'll realize the urgent need for reform. Without it, next year's Aramony will have his Concorde rides on America's charitable donations too, and no one will be responsible when he crashes. □

The Washington Monthly Journalism Award

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Charles E. Shepard
The Washington Post

True, Shepard's investigation of the United Way of America eventually prompted the resignation of executive director William Aramony, but the fallout has gone well beyond the removal of the man at the top. Shepard's exposure of Aramony's $20,000-a-year limousine tab, trips to Europe aboard the Concorde, and his United Way-funded New York condo has sounded the alarm for other large charities—organizations where oversight by lax and detached directors could easily permit similar types of abuse.

Douglas Franz and Murray Waas
Los Angeles Times

It was one of many mysteries haunting the Gulf war: Why did the United States channel billions of dollars worth of food and high-tech equipment to Iraq in the late eighties even though Saddam's genocidal and totalitarian tendencies were known to key U.S. officials? During the war, officials at Commerce and Agriculture were the principal scapegoats, and bureaucratic bungling the leading explanation. But Franz and Waas finger a different culprit, one with a far less ambiguous motive. Their three-part series, which began February 23, documents convincingly that George Bush himself, as both vice president and president, overrode the objections of numerous government officials to keep the money flowing to Saddam. Bush was perfectly willing to appease the Iraqi leader, the authors argue, in order to keep Iran from dominating the Middle East.

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The Ross Perot You Don't Know

The things that make him a great leader would make him a dangerous president

by Peter Elkind

"I'm *better* than that," lamented Ross Perot. He pounded a bony fist on his antique desk. "I could have gotten that fire put out."

On a September morning a few years back, Perot was sitting in his North Dallas office, blaming himself for the incineration of Yellowstone National Park. "I could've raised enough hell that they would've *had* to put that fire out."

Somehow it didn't seem at all strange that this private citizen, who had accumulated a $3 billion fortune selling computer services, regarded fighting forest fires as not merely his mandate, but his burden. And it doesn't seem strange today that the new burden he'd like to shoulder is running this country. No public figure in America defines his personal mission in more cosmic terms than Perot; no public figure so conspicuously embraces the role of savior. *Ross Perot is better than that*: It might be the slogan for his rearguard charge against George Bush and Bill Clinton. It is certainly the perfect expression of his confidence.

Ross Perot is utterly self-assured, the sort of person who walks into someone else's house and turns on the lights. He is, he says, a simple man. Yet his legend is full of contradictions. He is a political neophyte who wants to save our political system, a billionaire who claims to speak for the little guy, an antigovernment crusader who made his fortune on government contracts, and the consummate noncandidate, now actively running for president. It is these contradictions that leave him exhaustively chronicled but poorly explained. Who is Ross Perot?

Packs of reporters have told the Perot legend: born in Texarkana (on the Texas side, of course), a salesman before he was a teenager (garden seeds, saddles, newspaper subscrip-

Peter Elkind is the editor of the weekly Dallas Observer. *This article is adapted from his work in that paper and* Texas Monthly.

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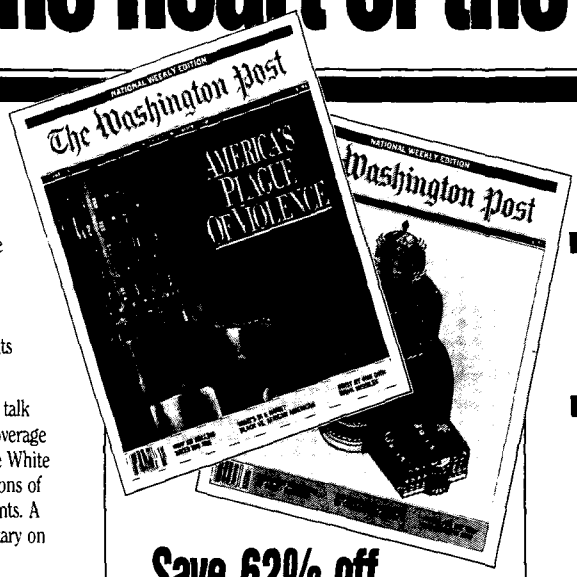

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tions), class president at the Naval Academy (twice), and IBM supersalesperson (one year he earned the maximum annual commission IBM allowed by January 19). He founded Electronic Data Systems (EDS) in 1962; six years later he became a megamillionaire. *Fortune* called him the "fastest richest Texan ever." Today, he is the 13th wealthiest man in America.

But Ross Perot has never been content with mere money. In the sixties, he spent $1.5 million to hand-deliver mail, medicine, and Christmas meals to American POWs in North Vietnam. In the seventies, he financed the rescue of two EDS employees from an Iranian prison. By the eighties, his targets had multiplied: drug use, mediocrity in Texas public schools, myopia in corporate America. And today, he's set his sights on the American system in general.

It is no coincidence that the historical figure Perot admires most is Winston Churchill. At the moment of crisis, Churchill did for England what Perot wants to do for America: He mobilized the will of a nation. But to what end? The Coy Candidate will issue no position papers; he is decidedly vague on the details. To understand the current presidential hopeful, then, you have to plumb the secrets of Perot past—the shrewd salesman, the plain-living billionaire, the judgmental philanthropist, the crusading school reformer, and the political pragmatist whose firm beliefs in efficient government, strong public schools, and drug-free kids sometimes make little allowance for niceties like the Constitution.

No one can doubt Ross Perot's good intentions; it's clear that the nation's problems deeply engage him. And no ego in America is better primed to take the pounding. But before we line up behind Perot, we had better get to know him: a man whose righteousness and impatience might shake things up in Washington as they have in Texas. And who, when things finally settle down, might leave some nagging questions in his wake.

Waiting for Perot

"Is there any scenario in which you would run for president? Can you give a scenario in which you'd say, 'OK, I'm in'?"

It was February 20, and "Larry King" was live. "No," Perot answered flatly. But for the Texas billionaire things are seldom that simple. After a few minutes' discussion, Perot had apparently reconsidered. "Everyday folks" were pressing him to run, he explained, "writing me in longhand. . . . Now that touches me. I don't want to fail them. . . ."

Moments later, Perot was preaching directly to the little people: "[I]f you're that serious—you, the people, are that serious—you register me in 50 states, and if you're not willing to do that—"

So you're considering running as an independent, King interrupted logically. Perot recoiled. "I'm not asking to be drafted . . . I am not *encouraging* people to do this . . . the push has to come from *them*."

Of course, Perot had already been doing a little pushing himself. Weeks before, he had resolved to run for president and had arranged his own appearance on Larry King (after duly considering other media outlets) specifically to orchestrate his own draft. His remarks had been well practiced.

If Perot's posturing is sometimes transparent, it's also—make no mistake—a canny way to sell himself to the American people. Practically before anyone could say "Texarkana," petition drives were underway in all 50 states. A pair of national polls showed Perot—without having sullied himself with a declaration of candidacy, without tapping into the $100 million he promised to invest in a national campaign—pulling more than 20 percent of the vote. Perot was suddenly serious business: the "ultimate wild card," as *The New York Times* put it, "in a year in which half the cards in the political deck seem to be jokers."

Selling, not managing, has always been Ross Perot's genius. At IBM he broke so many sales records that the company started capping his commissions. One can just imagine a younger Perot making a sales pitch, sitting across a desk from some executive who has never heard of a computer, leaning forward, looking oh-so-earnest, selling not just a machine but a promise of a new world. When it came time to start his own business, that salesmanship helped him parlay his $1,000 investment—the minimum required to incorporate under Texas law—into an empire. But what Perot's mythmakers sometimes forget is that this bootstrap philosopher owes much of his success to the federal government.

Electronic Data Systems Leasing Corporation, which Perot founded in 1962 on his 32nd birthday, struggled for its first four years. When EDS moved into its own building and put its name up outside, some people wandered in expecting to find a restaurant named "Ed's." Then, in 1965, the federal government got into the health insurance business; Perot quickly began capturing lucrative state contracts to computerize systems for paying Medicare and Medicaid claims. Profits soared.

Perot's EDS was a tight ship, captained by people as smart and tough as he. In accordance with a written dress code, his male employees wore dark suits, white shirts, and subdued facial hair. But beneath the corporate gloss was a strict, sometimes nasty meritocracy. Employees who won a critical bidding war with IBM received cash and stock bonuses "while they were still sweating," as Perot put it. The less

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successful were expelled with equal speed.

Identifying with his troops, Perot ate in the EDS cafeteria and attached his personal fortunes to the company's. That strategy proved a smart one. Less than two years after EDS went public in 1968, the paper value of his interest—about 78 percent of EDS—leapt to $1.5 billion.

If money was the game, Perot, after eight lively years, had won. In 1970 he freed himself from day-to-day affairs at EDS while retaining the title of chairman. Now he would have the time to exercise his salesmanship skills more broadly.

North Dallas sporty

"America's first welfare billionaire," *Ramparts* magazine called Perot in the sixties. But the nuanced way he has treated those billions is a quality those *Ramparts* editors might grudgingly respect. When EDS stock nosedived in 1970, costing Perot a one-day paper loss of $450 million, he said he would be more upset if one of his children had broken a finger. Most rich Texans think that wealth is a way of keeping score. To Perot, money is primarily a tool, a lever to force the world in the direction he wants it to go.

It has been written, wrongly, that Perot buys his clothes off the rack at K-Mart. He is not ostentatious, but neither is he an ascetic. His 22-acre estate in North Dallas, guarded round-the-clock by an elaborate security system and armed guards, includes a pool, a gymnasium, a tennis court, and stables. In 1984 he sold EDS to General Motors for $2.5 billion, but he continues to live by rules of thrift. He doesn't want anything he can't use, and he insists on getting value for his money, whether it's being spent on cigarette boats or charity.

It's in his charitable giving that Perot's attitude toward money is most apparent. Only months after he first acquired wealth, he established a charitable foundation, and he has since parted with more than $120 million. For many years he did not take a tax deduction for his charitable contributions on the grounds that he owed his wealth to his country. He was not shy, however, about accepting credit for his largesse. In 1969, as he financed the massive airlift of supplies to POWs in North Vietnam, he reveled in the media spotlight, appearing on the "Today" show and taking out ads in hundreds of newspapers.

The politics of Perot's philanthropy are characteristically complex. His first major gift, at a time when he was still regarded as a right-wing businessman, was $2.4 million donated to establish special learning programs at one of Dallas' inner-city black elementary schools. While Perot is no advocate of government handouts to the poor, he's personally handed them millions. In choosing which projects to devote his time to, he measures worthiness by one primary criterion: the potential for greatness. "World class" is Perot's mantra. And the most world-class of all his projects—until now—was the wholesale remaking of the Texas school system in the mid-eighties.

There was no denying at the time—although the teachers tried to—that the Texas schools needed serious fixing, and Perot, appointed by the governor as chairman of a state committee on public education, helped package the issue brilliantly for the public. He found state colleges of education that were turning out illiterate teachers, a junior high school that closed at noon on Tuesdays for football games, a student who had been excused for 35 class days to exhibit his prize chicken. As usual, Perot was convinced he could "do better than that." He would raise the passing grade from 60 to 70; establish a no-pass, no-play rule to correct Texas' overemphasis on athletics; provide smaller class sizes in the lower grades, a Head Start program for four-year-olds, teacher-competency testing, and merit pay raises; and redistribute state aid to narrow the funding gap between wealthy and poor school districts.

This project, unlike many of Perot's other schemes, required not just money, but real political finesse: The education establishment had political influence in every community in Texas. So Perot hired the best lobbyists in Austin and stroked the local and national press to turn one man's idea into a mandate. Once again, he made the sale. In an arduous special session, the Texas Legislature passed the Perot reforms with modest changes.

It was a stunning political accomplishment—one that has secured Perot a place in Texas civic history. But public approbation did not soften Ross Perot. Shortly after his triumph, supporters of Bishop College, a debt-ridden black school in Dallas, pleaded with Perot for a contribution that would keep its doors open. Unconvinced that the college had the leadership to become "world class," Perot let Bishop die.

"The last thing those students need," he explained at the time, "is anything second-rate." You can almost hear him today saying the same thing about Americans' choices in Campaign '92, a race between men without world-class potential. And in Perot, that notion breeds a powerful temptation. If he thinks he can do better, he's going to try.

Go-Go Perot

In *The Go-Go Years*, a book about the stock market boom of the sixties, there's a description of Perot's meeting with a group of long-haired West Coast

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radicals in 1969. When they arrived at the chairman's office, the radicals stated their purpose: Would he fund the Revolution?

Without missing a beat, Perot shot back: "How long will it take, and how much will it cost?"

As that response suggests, Perot is a man without discernible political ideology. Instead, he sees life as a series of puzzles. What is the problem? What is the solution? Who can get the job done? He praised Jesse Jackson for his 1983 mission to Syria to free a captured U.S. flier. He called Mikhail Gorbachev "the most interesting leader alive." He has criticized Reagan and Bush for failing to deal with the budget.

At one time, Perot sought to promote his political opinions the way most businessmen do: through campaign contributions. Now he donates only token amounts to politicians. The political vision he prefers to support is his own.

The 11th-floor headquarters of the Perot Petition Committee—the spontaneous people's crusade—bears the billionaire's unmistakable, high-efficiency mark. The committee, which in March registered with the Federal Election Commission, operates out of the silver-glass North Dallas skyscraper where Perot presides over his empire. Perot is personally bankrolling the committee's space, as well as the cost of a massive phone system manned seven days a week by scores of volunteers.

In the second-floor phone room, binders hold scripts to guide these volunteers. One sample question reads, "Where does Ross Perot stand on the issues?" The answer: "At this point, we're focusing on the petition drive to get Ross Perot on the ballot. His basic character and positions seem to be well known." Well, okay. But what do his business moves, his charitable projects, his personal crusades tell us about Perot as president?

Forget his proposed electronic town meetings and phone systems over which average citizens could offer their solutions to America's problems. Perot finds corporate bureaucracies maddeningly slow; imagine how he would find real participatory democracy. Instead, a Perot presidency would be a stiff dose of medicine, administered with swiftness and the expectation that we would swallow gamely—that we would see as clearly as he does the fundamental rightness of his vision.

In accordance with that vision, he would take on the education lobby, just as he did in Texas. He would raise taxes to reduce the deficit, while the shrewd philanthropist in him would cut social security benefits for those not in need. The antidrug crusader would force millions of federal workers in sensitive jobs to submit to drug testing. And if a defense contractor billed the government for boarding its executives' pets in kennels, the unostentatious Perot would, in his words, "put them under the jail and pour the cement."

On foreign policy, he would try to make the Japanese and Europeans foot the bill for their own defense. He would cut government aid to any developing nation that lacked promise of becoming world class. It would be hard to imagine a better leader in wartime: cutting through red tape to speed industrial production, inspiring workers to accept lower wages while they work overtime for the national good, assigning Boy Scout troops and PTAs to collect scrap rubber and metal for recycling.

But let's not draft him yet. Many elements of Perot's character are poorly suited to a peacetime presidency. He is abrasive, turning opponents into implacable enemies. His ego is unaccustomed to compromise. And most importantly, he has a tendency to act too boldly—like "an unguided missile," Molly Ivins once wrote. In search of the flashy project that will create great change and galvanize public attention, he can do a fair amount of damage.

A few years back, after cruising drug-infested South Dallas neighborhoods in a police car, Perot proposed his own solution: The city should cordon off sections of the area and send in hundreds of cops for a house-to-house, person-to-person confiscation of drugs and weapons. Under the Constitution, that's illegal; it's also inhuman. But Perot saw it as the simplest way to free the neighborhood from crime.

That same simplicity of vision guided Perot's mission to free the two EDS employees imprisoned in Iran—a rescue mission remembered as a brilliant success. Yet, to free the jailed pair, Perot's commandos orchestrated a riot that sprang 11,000 people—including murderers and rapists—from a Teheran prison. The mission also violated both U.S. and international law.

It is the fatal flaw of the pragmatist: Obsessed with blazing the shortest path to a solution, he's willing to sacrifice as "details" those safeguards that keep government from abusing its power. Such conviction is compelling in Citizen Perot. It could be—and has been—frightening in a leader.

In 1986, Perot told a black-tie audience gathered to honor him that he had once dreamed of being the beautiful pearl in an oyster. Instead, he decided, his lot in life was to be the grain of sand that irritates the oyster to produce the pearl. Although the candidate seems to have forgotten his own insight in the "Draft Perot" frenzy, it captures why we should hope that Ross Perot does not become president. His value to the nation is the purity of his opinion, his radical pragmatism. He can serve America best as an irritant. □

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WHO'S WHO

The 43 top executives of the U.S. Postal Service spend an average of $15,600 each year on travel. According to a report by the Scripps Howard News Service, $11,000 in Postal Service funds were spent to send two officials to Paris to attend the dedication of a postage stamp commemorating the French Revolution. The biggest spender was **Thomas Leavey**, who ran up a travel bill of $106,902 over three years (not to mention his tab of $16,189 for wining and dining in Washington). . . .

Insiders say the real reason **Paul Tsongas** withdrew from the race—and decided not to reenter despite his surprisingly good showing in New York—is a distaste for hardball politics. Over and over he told those urging him to get back into the race that he dreaded "coming in and doing battle" again. . . .

The traditional way for a lobbyist to gain access to Washington's power people is working on a campaign. But the most ingenious way we've seen to get on the inside is pro bono legal work. That's what several leading local law firms are giving senators who have been charged with leaking documents. O'Melveny and Myers, for example, represents Senator **Patrick Leahy** and four of his aides. They are not likely to refuse to return the firm's phone calls on other matters. . . .

Washington's favored technique for avoiding outright nepotism while still placing relatives in nice jobs is to have a friend do the hiring. Thus the **Lucy Calautti** working in the office of Rep. **Byron Dorgan** is the wife of Dorgan's fellow North Dakotan, Senator **Kent Conrad**. . . .

Hillary Clinton is a piker compared to the influence peddlers in **George Bush**'s administration. Bush campaign officials **Robert Teeter**, **Fred Malek**, and **Jim Lake**, each of whom has a roster of powerful corporate clients, have regular morning meetings with top White House aides including **Sam Skinner** and his deputy, **W. Henson Moore**. **Charles Black**, a senior adviser to the Bush campaign, has, according to *The Washington Post*, the longest corporate client list, including Aetna Life and Casualty, Bethlehem Steel, Commonwealth Edison, Johnson & Johnson, the Tobacco Institute, and Union Pacific. . . .

How does Justice **Clarence Thomas** keep his intellect so finely honed? Not by reading newspapers, reports **Tony Mauro** of *Legal Times*. "He stopped reading newspapers last July." Thomas is, however, a faithful peruser of a publication called *Cowboy Weekly*. . . .

If you have a thing about elegant elevators, hasten to Capitol Hill, where a recent renovation of an elevator in the Dirksen Senate Office Building included installation of granite walls and a mahogany and brass ceiling. If you prefer elegance underfoot, try the new lifts on the House side, each of which has a marble floor personally approved by Speaker **Tom Foley**. . . .

By the way, readers who assumed that **Heather Foley** was the switch-hitting political spouse mentioned here last month were on the wrong track . . . .

Sam Skinner continues to be in hot water. Will **Dick Darman** get him or will he get Darman first, is the question that has fascinated White House watchers. Skinner's deputy, **Henson Moore**, is said to be another **Donald Regan** because of his unbecoming sense of self-importance. "At least Regan was the chief," said one insider. "This guy is just the deputy." . . .

All those congressional retirements have created an unusual opportunity for the more ambitious congressmen who remain. At least six seats are open on each of the two most powerful committees, Ways and Means and Appropriations. . . .

Maybe **Bob Woodward** is right about **Dan Quayle**'s influence after all. The vice president appears to have been the key player in both the removal of **Richard Truly** as NASA administrator and the selection of **Daniel Goldin** as his successor. . . .

Many people here who doubt that either **Bill Clinton** or **George Bush** has the courage to take on the powerful forces opposed to reform in the key areas of entitlements, education, and health are hoping that **Ross Perot** will run and at least put bold proposals on the table. The knock on Perot is his ego, which is enormous, even for a public figure. . . .

The two books scheduled to be published this spring that are being touted by the political literati are **David McCullough**'s *Truman* and **Richard Ben Cramer**'s *What It Takes*. One choice item from Cramer reminds us how much **George Bush**'s politics have changed. As a young congressman, he was so enthusiastic about carrying on his father's fervent advocacy of worldwide birth control efforts that a fellow representative nicknamed him "**Rubbers**." . . .

—*Susan Threadgill*

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TIDBITS & OUTRAGES

CIA NOT INVOLVED IN DOMESTIC PET SURVEILLANCE, PRESIDENT INSISTS
According to *The New York Times*, Pat Buchanan's pet cat has been repeatedly detected by motion sensors at CIA headquarters, near Buchanan's home.

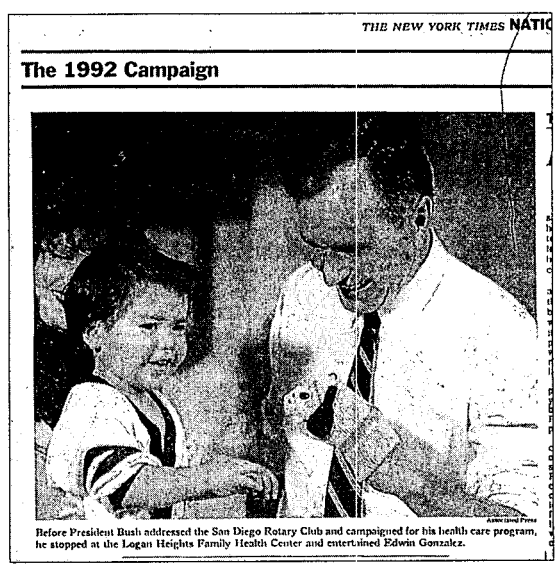
SDI: CAN'T BEAT THE REAL THING
At a briefing on Star Wars given to the general public, a Department of Defense spokesman said, "The American people spend $20 billion a year on soft drinks, and this program is only a quarter of that."

"AND WHEN I WAS HIT BY THAT PITCH," STRAWBERRY ADDED, "I FELT LIKE THE FRENCH AT THE BATTLE OF AGINCOURT, AND THE BRUISE I GOT REMINDED ME OF THE PASTELS IN VAN GOGH'S 'SUNFLOWERS.'"
In the new book *Darryl*, by Darryl Strawberry with Art Rust Jr., Strawberry is quoted as saying, "There were so few black players on the team as it was, I felt as if I were playing baseball at Dred Scott Memorial Park in glorious downtown Johannesburg." Strawberry later admitted that he didn't know who Dred Scott was or that Johannesburg was in South Africa.

AND HE WOULD HAVE WON FIRST PLACE IF IT WEREN'T FOR THAT DAMNED JEWISH JUDGE
At Westlake Elementary School in Thousand Oaks, California, a fifth-grade student won second place in an oratory contest by dressing up as Adolf Hitler and delivering a Nazi speech.

"THAT'S NOT WHAT THEY TAUGHT US AT WESTLAKE ELEMENTARY."
In a *New York Daily News* interview, actress Melanie Griffith explained why making the World War II spy movie *Shining Through* was such a learning experience for her: "I didn't know that six million Jews were killed. That's a lot of people."

"AND I'D LIKE TO INTRODUCE MY NEW ECONOMIC ADVISER . . ."


THE NEW YORK TIMES NATIO

The 1992 Campaign

Before President Bush addressed the San Diego Rotary Club and campaigned for his health care program, he stopped at the Logan Heights Family Health Center and entertained Edwin Gonzalez.

—Scott Shuger

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Substance Abuse

In presidential politics, more beef is sometimes less

by Christopher Georges

On the left-hand corner of my desk is a pile of stuff that I plan to read in my spare time. You probably have a stack just like it (the one with the BCCI stories). Whenever my pile gets about a foot high, I bury my guilt and chuck it all. But this year is different, because it's an election year, and in that pile are documents of history: the position papers, speeches, and policy statements of the 1992 candidates for president of the United States.

At the bottom festers the first sign of campaign life, a 1991 copy of Paul Tsongas' 86-page *Economic Call to Arms* (the one packed with "truth-telling" ideas). On top of that is Bob Kerrey's now-forgotten health care plan, not to be confused with Tom Harkin's five-point plan. Both are outweighed by the next stratum, Bill Clinton's *Plan for America's Future*—which brings me to 1992, where I find George Bush's State of the Union, the accompanying White House press office packet, and the 1993 federal budget. At the surface, barely dusty, are the speeches, issue papers, and debate transcripts that prove that even with the campaign in full swing, there's always room for another idea.

Ah, substance—it's one of the few pieces of good news about Campaign '92. Sure, the contest devolved into debate over personal foibles as it swung through New York, but these candidates have been talking policy as never before. Clinton's booklet reads like it was lifted from the Kennedy School's reserve reading: "By raising the ceiling on mortgage loans eligible for Federal Housing Administration insurance to cover 95 percent of the median price of a home in every metropolitan area. . . ." Then there's Bush's plan for "liberalized treatment of depreciation under the Alternative Minimum

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Tax," and his call for a "modified passive loss rule for active real estate investors."

It's policy-wonk heaven—and it's apparently what the people demand. For one two-week period in January, Clinton's policy pamphlet was more popular than any book on *The New York Times* best-seller list: 200,000 copies were ordered in the days leading up to the New Hampshire primary. Even in traditionally cynical New York, when voters were asked, "Which qualities mattered most in deciding how you voted?" the most common response was "specific ideas"—well ahead of honesty. The press, reflecting the national mood, has filled its pages with issue forums, debates, and sober analyses. Overwhelmed, I surrendered about four weeks ago and flipped on MTV. On came its political analyst, *Newsweek*'s Jonathan Alter, droning on about defense spending.

We asked for beef and we got it: hamburger deluxe. So why am I still hungry?

I'm glad to know that Clinton wants to build "houses with thicker walls and windows, and new compact fluorescent lightbulbs." It's great that he stumps for "government-to-government relations between Indian tribal governments and the federal government." And what would we do if Bush didn't have a passion for "an enforceable cap on the growth of unfinanced 'mandatory' spending"? But what's lost in this white-paper maelstrom are specific, well-thought-out plans that truly illuminate the candidates' ability to govern: details in areas such as defense cuts, deficit reduction, and welfare reform. There, if you take a close look, the candidates are fudging, flip-flopping, and faking all the way.

Turning on the policy spigot full blast helps a candidate in three major ways. First, it helps him sidestep the bigger, tougher issues—the ones where a brave stand will likely alienate some voters (just ask Tsongas). Second, it's a swell way to coddle special interests. (See, homebuilders and fluorescent light manufacturers, Clinton wants to up your income.) And third and most important, it's a useful smokescreen for what might be labeled political character—character that goes beyond college drug use, marital infidelity, even avoiding the draft or tinkering with ethics laws. As today's candidates invent new "policy" and then remake it as they go along, we tend to forget the substance that matters: the ability to stand by a few core political convictions.

The political character test seems especially relevant today, as voters in the Democratic primaries seriously weigh one candidate whose reformist stands on issues from tax cuts to labor-coddling have slowly been reduced to mush against another candidate who, after a series of sensational transformations, now trumpets his lack of conviction as a *virtue*. (The winner will go on to face the master of the fast-change, George Bush.)

Bill Clinton himself has explained the usefulness of "substance" in distracting voters from this sort of character question. "If you have a detailed program," he said in January, "then when you make mistakes or have to account for past ones, [the voters] will let it slide." In other words, if you throw enough scraps of substance into the air, voters might not notice that your hands are really empty.

Details men

There's little argument that recent candidates, with the important exception of Ronald Reagan, have relied more and more on detailed policy plans. While John F. Kennedy offered just 29 specific programs in his 1960 campaign and Richard Nixon offered 30 in 1968, in 1988 George Bush boasted more than 80 and Michael Dukakis nearly 100. And there's little mystery about the source of this policy burst—the evolution of the presidential campaign process.

Once upon a time, the party picked the nominee. The bosses wrangled over who had the best ability to lead, electability, and the boldest vision, and gave us people like Eisenhower, Stevenson, and Kennedy. The policy, in time, filled itself in. The post-McGovern reforms of the nomination system changed all that. Suddenly candidates had no choice but to take their campaigns to the people first; while John F. Kennedy ran in just seven primaries, Carter competed in 30. And wherever the campaign goes, the priority for voters is "what will this candidate do for me?"—a process that's shifted the focus from the person to the policy. At the same time, there's been a post-sixties explosion in the number of interest groups, who have plenty of (some say too much) pull in caucuses and primaries, sponsoring forums, badgering the candidates with questionnaires, and making endorsements.

Changes in nomination rules inevitably led to changes in the ways campaigns create policy. Starting with Carter's 1976 run for the White House, campaign policy shops have followed a similar pattern: A group of young staffers, under the stewardship of a handful of wizened policy vets and complemented by informal teams of outside advisers, think up innovative programs that run the gamut from agriculture to veterans affairs. But unlike real government, the pressure here is to churn out ideas that sound new, are easy to understand, and most important, are inoffensive to most voters—with little attention paid to whether such plans would ever make it through Congress or even the executive branch.

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The people in fundraising want something that will impress the deep-pocket types who show up at their events: George Bush proposes a 10 percent tax credit for oil and gas exploration. The campaign folks over in constituencies want programs that will impress each of their sub-groups: Mike Dukakis offers a two-page, single-spaced issue paper on "Opportunity for Armenian Americans." ("Brave Armenians standing up for their civil rights . . . will not be ignored by a Dukakis administration.") The campaign press office clamors for fresh-sounding plans that, above all, can be explained in a 10-second TV graphic. Clinton—the reigning sultan of substance—gives us the middle-class tax cut.

"If you have a detailed program," Clinton said, "when you make mistakes or have to account for past ones, [voters] will let it slide."

The policy specifics are churned out like sausage, and the press begins chomping away. "Clinton's depth on the issues helped make him the front runner," *Newsweek* recently explained, while *The New Republic* proclaimed, "Clinton has made policy specificity the threshold test in the primaries." And specific Clinton is. There's a plan to "expand value-added manufacturing of wood products," and others to promote cars that get 45 miles per gallon, community development banks, and a prohibition on unlimited tax deductions for executive pay. He tells us in a recent speech that he supports "expansion of Section 404 authority to regulate activities that impact wetlands." He's even got a program to ensure that "everyone will carry 'smart cards'—small microchips coded with their personal medical information."

Clinton *has* put a number of important ideas on the table: a venture capital tax credit, an investment tax credit, a "domestic GI Bill" to help students afford college. But what about issues such as welfare reform, the deficit, and defense spending? Let's take a closer look.

➤*Deficit reduction*: Clinton says he'll cut the deficit by $400 billion. How? Cutting $100 billion from defense, trimming the bureaucracy by 3 percent, and raising taxes on the rich. Even his advisers have admitted that the plan is hokum. He'll have to cut entitlements, and he knows it. But, unlike Tsongas, he won't take the plunge. And unless a popular consensus on the subject emerges from the campaign, it's unlikely he'll be able to pull it off as president.

➤*Health insurance*: Clinton's 15-point plan offers a smorgasbord of fixes such as reducing fraud and cutting tax breaks for drug companies. His answer to the big question, health insurance, is "play or pay." That's fine, but when it comes to the one specific we really need to know—how he'll pay for it—he offers little more than "cost controls." Kerrey had the courage to offer payroll tax increases as the answer; Clinton's late-arriving solution takes us nowhere.

➤*Defense cuts*: We need $100 billion more in cuts than Bush has called for, says Clinton. Sounds great. And while Clinton has called for plenty of reductions, most of them are already on the block as part of Bush's $50 billion cuts plan. In fact, Clinton has added tens of billions in defense spending that even Bush doesn't want, such as restoring the V-22 Osprey—made in Texas—for about $25 billion and saving the Sea Wolf sub.

➤*Welfare reform*: Once a supporter of a bold plan—limiting welfare recipients to two years on the dole, after which they'd have to take last-resort government jobs—Clinton has abandoned that pledge. His new mission: a valiant call for "more personal responsibility."

➤*Ending the recession*: The substance behind his ballyhooed plan is little more than "front-loading the new highway bill so we can spend the first two years of money in the first year," and new banking regulations that would prevent banks from foreclosing on some shaky loans. Not exactly the New Deal.

➤*Middle-class tax cut*: Clinton's plan calls for cutting middle-class taxes 10 percent while raising them for people making more than $200,000. This would save the average middle-class family a grand total of 97 cents a day. This is mild redistribution, not economic stimulus; it will neither create jobs nor boost the economy. According to *Time*: "For a brief time (and then only in private), Clinton conceded . . . that his plan was mostly symbolic."

It's not fair to give Clinton all the guff; he's not the only one guilty of substance abuse. Dukakis' specifics included "encouraging international arts exchanges to foster peace"; the establishment of a voluntary program of subsidized home surveys to track pesticide residues; support of normalized Cuban immigration; and the creation of state travel offices to

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promote tourism packages. But his plans in areas like deficit reduction (collect $110 billion in unpaid taxes through tougher enforcement) and welfare reform (turn the Massachusetts Employment and Training Initiative into a nationwide program) were strictly make-believe.

Or take Bush in 1988: While the GOP candidate was roundly criticized for a failure to make specific commitments, by the November election he had been badgered into releasing dozens of specific proposals, including a $10 million national "anti-radon" plan, creation of an executive branch-maritime liaison, elimination of "Hire the Handicapped Week," the hiring of 100 new agents for the Repeat Offender Program, and a tax incentive for returning strip mines to production. But what about the deficit (remember the flexible freeze?), spurring growth (capital gains tax cut), and health insurance (nothing at all)?

This year, Bush is on the same path. While his 12-point plan includes a "major expansion of Weed and Seed to link law enforcement with social services" and an extension of tax preferences for mortgage revenue bonds, he has virtually nothing new to offer on the big issues.

Perhaps the only recent candidates who claimed to offer no-nonsense plans on the tough issues—and did—were Tsongas (tax social security benefits for the well-to-do, increase the gas tax) and Bruce Babbitt (freeze military COLAs, move the entire Medicaid program to the federal level). And look where it got them.

Lost in space

Where do most of the candidates' penny-ante programs come from? The same place as the campaign contributions: special interests. While campaigns often start out with a core of innovative ideas, a remarkable diaspora occurs once the candidate hits the hustings. Say the candidate is scheduled to appear before NASA scientists. His space policy had better be agreeable, since nothing looks worse on the evening news than a room full of angry rocket scientists. Dukakis' issues staff actually faced that horrific possibility in 1988. They promptly abandoned the candidate's prudent opposition to building a space station and cooked up a program that called for a new space shuttle.

Four years ago, a campaign event aimed at winning the Native American vote prompted George Bush's sudden belief in providing "federal incentives to business to relocate on Indian reservations." This year it's more of the same. Clinton betrays his deficit reduction strategy to ensure, while campaigning in Connecticut, the survival of the Sea Wolf nuclear sub. Says former Mondale issues staffer Tamara Stanton, who specialized in environmental policy, "The people in Texas didn't want to hear the same things about acid rain as the people in California. We had to figure out the right time to say what and where. It all stemmed from political calculus—how to maximize the number of votes."

A problem develops when we start taking those specific proposals seriously: Voting for Bush four years ago because he said he'd "stop all ocean dumping" (the EPA itself is still dumping hundreds of millions of cubic yards of dredge disposal) or he'd ensure no net loss of wetlands (30 million new acres have been opened to development). Take it from the guys who cook this stuff up: Don't bank on any of it. "Our goal was to mollify people," explains Dukakis issues staffer Sean Dobson. "I didn't kid myself into thinking I was writing stuff that would become law. I always had the feeling that after we won, we'd sit down and really think about what we'd want our policy to be."

Meanwhile, the job of the issues people is to buffalo voters into thinking their policy is legit, even when some of those ideas are virtually—or legally—impossible to achieve. Consider Clinton's boast that he'll replace the current $2,150 per child income tax exemption with an $800 per child tax credit. While the credit could be phased in at an initial cost of $5 billion, the loss of revenue would soon balloon to $20 billion annually. Clinton never says how he'd make up the difference but with all those numbers, who'd notice? He also says he'll eliminate nuclear power plant regulations that make plant licensing easier, but with these regs already on the books, this too is out of the president's hands. In addition, he promises to "veto pay raises in Washington until middle-class incomes are going up again." Good idea, but the president can't do this; Congress automatically receives an annual cost of living increase. The president can only veto pay hikes above this amount that are attached to appropriation bills.

Still, Clinton's empty promises are better than Reagan and Bush's bet-hedging strategy: Both men had a habit of proposing lofty-sounding reforms that were *already* law. In 1980, Reagan campaigned to establish a strategic petroleum reserve (done by Carter), offer federal aid to part-time students (enacted during the Johnson administration), create an urban homesteading program (done by Ford), and initiate trucking deregulation (Carter again). Bush's plan to make interest on savings bonds used for college tuition tax-free had already been passed by Congress, as had his programs for mandatory child support levels, a parent-locator system, and new Medicaid regu-

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lations to prevent people from becoming impoverished before they could receive aid.

Despite the emptiness of the policy game, we bang our spoons faster and harder for more: more ideas, more fixes, more substance. These days, it appears, we are looking not for leaders, but for mechanics. The irony is that history teaches us there is no nexus between politicians with a specific blueprint for repair and those capable of effective leadership. If anything, the opposite is true. What was most remarkable about the New Deal Franklin D. Roosevelt proposed in his 1932 campaign was not what it promised, but what it didn't. Not once did FDR mention the creation of a gigantic works program, the TVA, federal housing and slum clearance, sharply increased income taxes on the wealthy, Social Security, a Civilian Conservation Corps, and a national labor relations board. The few things he did propose (federal regulation of the stock and commodity exchanges, separation of investment banking from commercial banking, a program of agricultural relief, unemployment insurance) were both bold and practical.

While John F. Kennedy may have been guilty of campaigning with candy-coated platitudes, he also eschewed the details and put forth innovative ideas in areas that mattered—a higher minimum wage, national service, a farm support program, more federal aid for cities, a war on discrimination—and then followed through. The idea of Kennedy campaigning, say, to increase the budget of the U.S. Travel and Tourism Administration by $12 million, as Dukakis did, is laughable.

Even Ronald Reagan deserves some credit for avoiding the substance charade. When his opponents and the pundits clamored for specifics, he smiled, nodded, and stuck to his rather simple vision: less government, lower income taxes, and more defense. Read his speeches and his campaign literature, and, as you might expect, there's not a lot there. But in the end, he stuck to what he promised. For better or worse, we've lived with it ever since.

What Kennedy and Reagan had—and what now garners far less attention than policy specifics—was the ability to offer a broad vision that steered clear of the policy minutiae and the confidence to stand by these convictions, even in the heat of the campaign.

Kleenexed issues

Conviction: It's a term as ambiguous as "character" or "courage." How do we measure it, and how do we recognize it when we see it? One way is to compare the candidate's campaign rhetoric with his past actions. Given the opportunity, what did he do, and how does that square with his current plan? As a senator, Kennedy took a stand against corruption in labor leadership and as a candidate didn't flinch from taking on the unions. Addressing the steelworkers convention, for example, he proposed cutting steelworkers' hours to create more jobs—a plan the union staunchly opposed. The reaction of the workers may have been unpleasant for Kennedy's campaigners to watch on the nightly news, but voters knew—the way we don't in Campaign '92—that the candidate believed what his position papers said.

But we don't have to go that far back for real substance. Thirteen years ago, when Congress moved to bail out Chrysler, Paul Tsongas took the lead in pushing through a package that forced auto workers to give up hundreds of millions of dollars in wage concessions as a condition of federal aid. While there are some stands that a freshman senator from Massachusetts can take that a Democratic presidential candidate simply should not—and bucking big labor unions is one of them—Tsongas didn't flinch here, nor in any of his other fundamental positions, during his presidential campaign. He resisted the temptation of calling for a middle-class tax cut in the suburbs and even mentioned cutting cost-of-living adjustments for wealthy Social Security recipients while stumping in Florida's retirement condo belt.

We already know where Bush stands in the conviction department. What about Clinton? To his credit, he's modeled his education reform package on his Arkansas agenda, including even the less popular parts like mandatory teacher testing. And his call for an investment tax credit to spur industry also mirrors his home state strategy. The question is, will he stick to the substance that counts?

Seven years ago, Clinton helped found the Democratic Leadership Conference, an attempt to go beyond traditional liberal remedies. At its core was a willingness to stand up to organized labor, a refusal to kowtow to special interest groups, and the rejection of populist appeals like a middle-class tax cut. Today, Clinton calls for change wearing an AFL-CIO jacket. He travels to Florida to proclaim Social Security a sacred cow; he panders to the Israel lobby and embraces the middle-class tax cut. At every stop, substance of this sort abounds. But hold it under the light of political conviction for a moment. It vanishes.

"Issues," Jerry Brown said recently, "are the last refuge of the scoundrel." He's got a point. Which brings me back to the pile on the corner of my desk, one that continues to grow. Funny thing is, the more of it I read, the less informed I feel about who'd make the best president. And the better I feel about throwing it away. □

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The Hillary Loophole

Political spouses have a right to work. They don't have a right to influence-peddle

by Katherine Boo

Over the last few years, the House Sergeant at Arms' quarters may have edged out Brock Adams' office as the tawdriest place on the Hill. Forget the two and a half years of GAO warnings that the House bank had gone haywire. In addition to overdrafting $104,000 worth of his own checks, Sergeant at Arms Jack Russ, a protégé of Ways and Means chairman Dan Rostenkowski, had an aide arrested by the Capitol Hill police as a bachelor-party prank, allegedly ran a private business out of the House stationery room, possibly commanded his police force to wiretap members, and still found time to spread the rumor that Speaker Tom Foley was a closet case.

With opportunities like those, the tiny office's fulltime auditor should have had a dream job—an exposé a day. But oddly enough, the auditor didn't find much. Or maybe it's not all that odd. For most of 1990 and 1991, the job was filled by one Chris Downey, wife of Rostenkowski's Ways and Means colleague, Tom Downey. As her husband and 330 other members bounced checks, she took home about $35,000 a year as auditor until she was promoted to assistant to the Sergeant at Arms, at $40,000. Her professional experience immediately before coming to the House was operating a Capitol Hill pizza parlor.

Scholars of the bank fiasco should be forgiven for missing this low-profile auditor. She wasn't regularly listed in the staffing reports Congress is required by law to publish. Plus, explains the new Sergeant at Arms, Werner Brandt, she wasn't really an auditor. What did she do for her salary? Her chief duty was presiding over the refurbishment of The Mace—the House's four-foot silver and ivory ceremo-

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nial staff. On March 1, as the bank scandal broke, Downey departed her job.

Maybe calling Chris Downey an auditor was an innocent mistake. And maybe overseeing the polishing of a staff really is worth 35 grand. And possibly she was the most qualified person in all of Washington to do it, just as Hillary Clinton was the worthiest lawyer in Little Rock to represent a failing S&L as it asked a securities commissioner appointed by her husband for a reprieve. But maybe there was something else involved, something some people are suddenly reluctant to name.

In the wake of the media's timid suggestion that Hillary Clinton's career may have been boosted by her husband's political position, public reaction has taken an unexpected turn. Instead of railing against the candidate's wife for peddling influence, many people seemed to object to the premise of the question: a veiled advocacy, some charged, for the barefoot-and-tea-pouring school of femininity. As Bill Clinton snapped at Jerry Brown, such a line of inquiry doesn't "respect the fact that women can have their own world and do their own jobs."

Indeed, a woman's right to pursue her own career regardless of her husband's is unarguable. Yet there's a legitimate issue involved here, one that will increase in importance as the Nancy Reagan gaze yields to the Hillary Clinton galewind. More and more wives of politicians are pursuing their independence through jobs in government or its lobbying and consulting appendages, where their career choices may have an effect on public interest.

A decade ago, hard as it might be to believe now, eyebrows arched when lobbyists seeking access to Washington powerati hired Ellen Proxmire's party-planning Washington, Inc. to up their odds. Today, a congressional spouse is more likely to be a lawyer, lobbyist, or political consultant than to sell crudites to Georgetown hostesses. There's Ruth Harkin, whose law firm Akin Gump boasts a slew of farmbelt clients, from Pillsbury to RJR Nabisco to Miller Brewing, who are deeply concerned with the actions of the agricultural appropriations subcommittee, which Tom Harkin chairs. There's lawyer Mary Whalen, wife of House education committee chair William Ford, whose firm lobbies on behalf of one of higher education's most powerful corporate interests. There's the embattled chairman of the Commodities and Futures Trading Commission, Wendy Gramm, whose husband Phil has actively pushed her interests in the Senate. There's Barbara Morris Lent, who lobbies her husband's House committee on behalf of NYNEX. And on and on.

Women's lives have changed, thank God. The problem is that politics hasn't. Access still helps, it's still worth plenty, and—as a look at the work of America's political wives suggests—influence-peddling isn't a gender-linked phenomenon. Thus we have a need to look closely at what Hillary Clinton's firm earns in state business or how Ruth Harkin's firm works with agriculture subcommittees or why Chris Downey was hired for that mysterious job—and the impact any of it might have on public policy. That's a principle easily grasped when the subject is Billy Carter or Armand D'Amato. But in our sympathy for the difficulties women face in the working world, we've allowed relevant questions about wives' careers to be silenced by social mores and public disclosure loopholes John Zaccaro would have cherished.

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House wives

You'd think Chicago representative William Lipinski would have enough to worry about, with his district's spiraling crime rate, crummy schools, and constituents' proclivity for burning crosses on front lawns. But a primary obsession of this Public Works and Transportation Committee member over the years has been securing federal funding for a rail line through southwest Chicago to Midway Airport. The Chicago Transit Authority (CTA), one of the chief beneficiaries of the project, has been appropriately grateful for his largesse: Shortly after the rail line received several hundred million dollars in federal startup funds, CTA awarded a one-year, $44,000 lobbying contract to Lipinski's wife.

Rose Marie Lipinski has, by all accounts, an IQ well into the three digits. Four years ago, she graduated from law school. But when CTA officials were asked what other virtues justified the creation of a new lobbying post in her honor, they came up with a rather limp rationale: She was a longtime resident of Chicago. In 1991, shortly after Ms. Lipinski was hired, the CTA received an additional $13.4 million in federal discretionary funds for the Midway airport project.

A working-woman issue? "I don't think anybody ever saw her do anything," laughs Natalia Delgado, a lawyer for Genner & Bloch and former CTA board member. "She never reported to the board on anything."

Minor scandal? Apparently not: Our definition of propriety has "evolved" along with wives-of's occupations. When Billy Carter was hired as a lobbyist by the Libyan government way back when, he became an instant symbol of incipient corruption. When *The New York Times*' credible account of Hillary Clinton's intervention in the Arkansas S&L deal was published, on the other hand, she became a symbol of unfair press persecution. Yet the breadth we give to wives-of's careers isn't just a fuzzy matter of public acceptance. In some cases the approval is official. Before Rose Marie Lipinski began lobbying her husband's committee on behalf of CTA, the Lipinskis queried the only institutional watchdog on these matters, the House ethics committee, and received its okay.

Our willingness to tolerate such questionable arrangements may stem from a strange confluence of old- and new-school thought on working women. To the dinosaurs, wives' jobs simply might not seem all that important; why not provide some harmless pastime for politics' gracious ladies? To the younger and more enlightened—many of whom are, or are married to, women who work—it's something else. While Billy Carter's hiring by Libya couldn't possibly be construed as an equal rights issue, Rose Marie Lipinski's hiring can. "It's tricky business," says Congresswatch's Michael Waldman, explaining why his good-government group, like Common Cause, doesn't monitor spousal conflicts. No good liberal wants to impinge upon a woman's right to work.

Of course, conflict of interest is a notoriously slippery concept. As ethics committee members surely rationalized in the case of the Lipinskis, the extra income paid to the wife was likely to have no effect on the husband's voting: Lipinski has never been averse to pork (although his wife's contract might inspire him to work a little harder for the project). The harmony of interest is not so neat in the case of New York representative Norman Lent, ranking minority member of the Energy and Commerce committee. One of the hot issues before his committee is legislation affecting the Baby Bells, which are fighting newspapers and the cable industry over control of online data services. But those papers and cable operators aren't likely to get much help from Lent, whose wife lobbies for one of the biggest babies, NYNEX.

One could argue that NYNEX was indifferent to Ms. Lent's connections when hiring her. But one might also note that another member of NYNEX's lobbying team is former representative (and telecommunications subcommittee member) Tom Tauke. One might also argue that Ms. Lent can't be blamed for possessing those connections if she doesn't actively use them. Yet Energy and Commerce staffers observe that while Ms. Lent actively lobbies her husband's colleagues, she's seldom seen on the Senate side, where her name is not quite so effective a calling card.

Washington is a sophisticated place, fully capable of distinguishing the arriviste from the arrived. But wife-of status may be an advantage even when all the credentials are in order. In February, as debate over the Higher Education Reauthorization Act raged, legal aid lawyers representing students went head to head with the Student Loan Mortgage Association (Sallie Mae) over whether students should be liable for school loans when trade schools' promises turn out to be fraudulent. (Sallie Mae, which packages and resells millions of those loans, believes students should still pay.) Money politics being what they are, the legal aid folks were already woefully outclassed. But when they met with the staff of the House Education Committee, which is chaired by William D. Ford, they faced another disadvantage: Sallie Mae was represented by Ford's wife's firm, Williams and Jensen.

A conflict of interest on Ford's part? Not officially. The Sallie Mae account is handled by a lawyer a

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few doors away from his wife's office. And Mary Whalen was a lawyer long before she was a spouse. But to deny the impact of being lobbied by your wife's firm is to deny a fundamental political truth: connections matter. That's why a defense contractor recently slipped Armand D'Amato $120,000 to lobby his brother, the senator, according to a federal indictment. And that's also why lobbyist Tom Boggs—the Patton, Boggs, and Blow partner and consummate son-of—is one of the most powerful people in Washington.

"It's tricky business," says Congresswatch's Michael Waldman, explaining why his good-government group doesn't monitor spousal conflicts. What liberal wants to impinge upon a woman's right to work?

That's not to say that such influence is wielded vulgarly: *Hire me because my husband/mother/daughter chairs a key committee.* In fact, most people blessed with access carefully carve out a window of deniability. Boggs never lobbied his mother's Merchant Marine Committee, while Hillary Clinton refuses a cut of her firm's earnings from state business. Those small sacrifices help distinguish politics' savvy access-holders from the unembarrassed, and slightly embarrassing, Barbara Lents, but they don't close all doors. Indeed, it's as a softer form of currency that access really works.

At Akin Gump or Williams and Jensen or Little Rock's Rose law firm, partners have subtle ways of letting their social wiring show, for good reason. Clients value access to powerful people, and being able to demonstrate that you have it increases the total take of the firm, and thus the worth, and perhaps the salary, of the connected. While putting a precise price on wifely access is as futile as quantifying grace, an imperfect way to gauge it is to look at a woman who lost it. In 1987, when Pamela Kostmayer was married to a popular Pennsylvania representative, her PR firm, Kostmayer Communications, boasted an institutional client list that included Allied Signal, Monsanto, and Levi Strauss. At the time, Pamela Kostmayer publicly complained (as political wives often do) that her political scruples were actually hurting her business. Today, after the divorce, her business is primarily "grassroots." "I'm not into the Hill anymore," Kostmayer explains gamely, insisting her new practice is doing splendidly.

Of course, access isn't just a fiction people create to drum up business or accumulate power. It requires a fairly chilly definition of marriage to believe Norman Lent's feelings towards the Baby Bells aren't affected by his wife's interests, or that John Dingell's thoughts about the United Auto Workers haven't evolved over years spent with his wife, a GM executive and heiress to the Fisher Bodies fortune. And if you think Phil Gramm can read with wide-open mind the pile of GAO reports criticizing his wife's Commodities and Futures Trading Commission, well, you probably aren't still married.

Some of the great moments in spousal influence-peddling don't require a Rhadamanthine sensibility to arouse indignation—like when Antoinette Hatfield accepted a $55,000 fee from Greek businessman Basil Tsakos for "interior decorating advice" while her Oregon-senator husband was urging federal funding for Tsakos' $12 billion oil pipeline, or when Betty Wright, wife of House Speaker Jim Wright, received an $18,000 salary from a Texas investor who had sought favors from her husband. (What did she do for the money? Not much of anything, investigators concluded.) Nevertheless, even those actions have been gingerly defended along feminist lines.

"I understand the opportunities for power-couple corruption," Ellen Goodman said with distaste after Betty Wright was busted. "But is this to be a new line of ethical inquiry: 'What does your wife do for a living? Is she really doing it?'" Given the temptations, indeed it should. What Goodman seemed to elide was that in both the Wright and Hatfield cases, the object was apparently to encourage a politician to act out of private interest. Had the payments to the wives not been brought to light, the cost to society may have far greater than the loss of income and professional traction to each woman. (Although that's not saying much; it's apparently still rather cheap to buy off a wife.)

In the case of Hillary Clinton and the S&L, the lopsidedness of the career/public-interest equation is particularly clear. Had she forsaken the opportunity to represent the insolvent institution while it sought state approval of a new fundraising scheme, she might have lost a few thousand dollars' worth of billable hours. Instead, the funding scheme was approved, the thrift failed, and the federal government was forced to intervene, leaving taxpayers with a far bigger bill.

Clearly, some political spouses have benefited, knowingly or not, from their connubial connections, and the public has paid a price. But to congressional

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spouses and their defenders, even pointing out potential conflicts or profiteering is likely to be perceived as sexist. "Men don't get this scrutiny," charged Ruth Harkin recently, "because it is assumed they deserve their success, but somehow a wife doesn't."

Harkin's right: There is a double standard here. But it's not the one she had in mind. When Tom Harkin announced his presidential candidacy and then stumped for months, *Legal Times*, *National Journal*, *Congressional Quarterly*, and the major newspapers usually deputized to keep an eye on influence-peddling shenanigans didn't think to investigate Ruth's work for agricultural clients at Akin Gump—a firm notorious, thanks to partner Robert Strauss, for elegant insider-trading. But when Pat Schroeder merely considered running for president, *Legal Times* raked the career of her husband, a partner at Kaplan Russin & Vecchi, over the coals. (He came out clean.)

Married . . . with influence

Better yet, consider former San Francisco mayor and California gubernatorial candidate Dianne Feinstein, whose husband is affluent money manager Richard Blum. Instead of printing soul-searching columns about Blum's right to his own career, the San Francisco, Oakland, and Los Angeles papers have marshalled reporting teams to comb his records for conflicts for a decade. Although the investigations have occasionally veered toward zealotry, the premise is perfectly sound: Public interest requires that potential conflicts of interest be explored.

"Blum's business clearly has benefited from the union and the networking opportunities," concluded the *Los Angeles Times* censoriously—and accurately—after a review of Blum's myriad business partnerships in 1990. The same could probably be said of the careers of Hillary Clinton, Ruth Harkin, Chris Downey, Barbara Lent, and other political wives. It isn't. Still, what's most interesting about the Blum case isn't the conclusions the media drew. It's what the media brought to light: no megascandals, simply the fact that Blum worked for hotel and insurance interests vying for multimillion-dollar contracts with the city of San Francisco.

Making that information public didn't deal a fatal blow to Feinstein's political career, nor should it have. Rather, public awareness of her vested interest surely made Feinstein a lot more careful, and perhaps more equitable, as she voted on those issues. Was that unfair to Feinstein and Blum? It would have been far less fair to the public not to know that a generous city redevelopment contract was going to a partner of the mayor's husband.

That's exactly the kind of information we don't have on many political wives. While federal criminal law prohibits executive branch employees from taking actions that benefit their own or their spouses' financial interests, Congress has exempted itself from that law. And it's also awarded its spouses generous exemptions on the financial disclosure forms members are required to file. For instance, congressmen must disclose where a wife gets her money, but not what she does nor how much she earns for doing it. (How much did Chris Downey make? "Salary," responds her disclosure report helpfully.)

Meanwhile, don't look to the House and Senate ethics committees to initiate investigations of potential conflicts; they simply wait, delphically, to be asked. And they don't get asked very often. Between 1977 and 1987 (the latest date available), the House ethics committee gave careful consideration to dozens of questions concerning donations of doughnuts and trinkets to congressional staffers, but only two questions involving the propriety of spousal careers. In both cases, the committee left the determination of potential conflict of interest to the members and spouses themselves.

Is there a better way to protect public interest, one that doesn't condemn spouses to the kitchen? Sure there is—and Congress had a hand in coming up with it in 1989, when Carla Hills was appointed U.S. Trade Representative (USTR) and her husband's career came under scrutiny. A former SEC chairman and managing partner at Latham Watkins who represented a Japanese trading giant, Roderick Hills wasn't happy about rearranging his professional life. But Washington politicians, faced with the alternative —allowing the spouse to represent interests whose fates were controlled by his wife—and freed from fear of being called sexist, could see pretty clearly which claim weighed more heavily on national interest. By the time of Carla Hills' confirmation, Roderick Hills had agreed to terminate all business relationships that might pose a conflict of interest, promised to keep the USTR apprised of his planned business activities, and agreed not to take on any new clients without the approval of the Office of Government Ethics.

In a climate where even mentioning the uxorial advantage comes off as piggish, demanding strictures on wives' abilities to influence-peddle will surely harrow a few politically correct politicians. It might —sorry, Ms. Clinton, Ms. Downey, Ms. Harkin, Ms. Lipinski, Ms. Lent—even hamstring a few lobbying or government careers. But if true equality for women is the goal, an equal deference to the public interest doesn't seem an unreasonable thing to ask. □

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S*M*A*S*H

Don't fix those deadly veterans hospitals. Abolish them.

by Eric Konigsberg

What was a nice former beauty queen doing in a place like this? A room where shell-shocked, quadriplegic patients languished unfed for three days, swimming in feces and tied to their beds? Where uncertified doctors accidentally killed some vets with faulty CPR treatment and subjected others to blood-tainted needles and bacterially infected gloves? She was making a segment of "PrimeTime." And after Diane Sawyer and her pen-sized camera got through with America's veterans hospitals, only one logical conclusion could be drawn: Old soldiers may never die, but the VA keeps trying.

Add to those memorable TV images the revelations of Ron Kovic and the film *Article 99*, and you've got the average American's mental picture of the average American veterans hospital: half infirmary, half inferno. And this popular image isn't off base; it's just incomplete. The root problem with Veterans Administration hospitals doesn't lend itself to video treatment: It's how much American citizens are paying for this substandard care. Thanks to unnecessary testing, overly long stays, mind-boggling logistics, and way too many empty beds, caring for the average VA hospital patient now costs nearly twice what it would at the average community hospital. And who's paying for that waste? You are, to the tune of hundreds of millions of dollars.

If figures like that don't move you, consider James Williams' story: When the 25-year-old Nebraskan needed a kidney stone removed last year, he might have driven to Omaha's Methodist Hospital, a top-flight private institution where he could have gotten a simple lithotripsy as an outpatient for about $5,000. But Williams, a veteran of the Air Force, qualified for free treatment by the VA. So instead he was directed to fly 500 miles via commer-

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cial jet (at taxpayer expense) from Omaha to Milwaukee, the nearest vets' facility capable of performing lithotripsy. Unfortunately, Williams first had to wait three months for a slot to open in Milwaukee, so the folks at the Omaha veterans hospital decided to insert a silicon catheter into his kidney (at risk of infection) until the Milwaukee hospital was ready to admit him. After the lithotripsy, Williams had to check back into the Omaha VA to have the catheter removed. Done? Not quite. Williams has since learned he has another stone. He'll likely be forced to retrace the same medical odyssey this summer.

Hedged vets

The Sununuesque habit of airbusing vets across the country for routine procedures may seem trivial compared to the billions spent on health care annually, but replay that type of wasteful spending a dozen different ways at dozens of VA hospitals around the nation, and the bill adds up. Today, the VA spends nearly $14 billion a year to care for a mere 3 million eligible vets.

Why are we paying Connoisseur Class prices for a third-rate medical system? Thanks goes to a Congress unwilling to say no to the 5-million strong veterans' lobby, which is quick to invoke Normandy, Inchon, or Khe Sahn whenever the question of overspending arises. Of course, as a result of Ronald Reagan's means-testing enactment, many heroes of these battles don't actually get to use the VA system—its patients include only veterans poor enough to qualify (those with an annual income of less than $18,000) or those injured while serving. And many who do use it might jump at the chance to get free care elsewhere. Nevertheless, to the veterans' lobby and the congressmen who serve it, overhauling the system seems a betrayal of a sacred contract made in the wake of World War I: In return for serving their country, veterans should have their own hospital system to meet their needs.

Certainly, all Americans should be accorded affordable, quality health care, and until we create a universal system that works, we should make especially sure our former soldiers' health needs are met. But by clinging to a bureaucratic arrangement that's about as up-to-date as leech therapy, the VA isn't just wasting money, it's hurting the very constituency it's supposed to help. If we really want to help America's needy vets, we need an entirely new approach to providing good, free health care—an approach that would replace the VA hospital system with our underused, more efficient community hospitals.

The VA will tell you that it provides an important service to veterans, but what it won't volunteer is how few veterans use its hospital system. In fiscal year 1990, nearly one third of VA hospital beds were empty. As veterans' groups are quick to point out, the number of old and sick vets is likely to increase during the next few years, as more and more World War II veterans reach their seventies. Even so, the overall veteran population has been declining rapidly since 1980.

This shrinkage and the slew of empty beds don't leave much opportunity for economies of scale—even if the VA were interested in economy. But thanks to the peculiarities of the federal budget process, the 60,000 administrators employed by the VA have little incentive to be worried about savings. In fact, too much financial worry would put those same bureaucrats out of a job.

The OMB appropriates the VA health care budget on an annual basis, not allowing financing for the future—a setup that gives the VA a powerful incentive to spend all of its appropriated funds before the fiscal year runs out. The great fear of any bureaucrat is that by saving the federal government's money this year, he'll get a correspondingly smaller outlay in the next budget cycle. So a smart administrator—one who doesn't want to lose jobs or future funds—attempts to run through all the money he's got. The result? Once a VA gets hold of a patient, the impetus is to keep him as long and as expensively as possible, even when there's no medical rationale for doing so.

Here's how it works. Let's say you're a 25-year-old vet with a bone spur in your big toe. VA protocol requires that a gamut of tests be administered to all patients scheduled for surgery, allowing no adjustment of its policy for each type of patient. So you go through the same chest x-ray, EKG, physical, and blood and urine exams as the 70-year-old cigarette smoker in for a bypass. After waiting about two months for the tests to be processed, you'll have to check into the hospital for your relatively simple operation not once (as would be the case in a community hospital) but two or three times—each time for more unneeded exams or "precautionary" procedures. And each time, nurses and staff are paid to put you through this diagnostic rigmarole.

Thanks to budget-extenders like these, the average expense per admission at VA hospitals in 1990 tallied $7,164, compared to the $4,947 average at community hospitals. And while, according to a *Washington Monthly* analysis, Medicare pays community hospitals approximately $3,000 for a gall-bladder removal and allows five and a half days to complete it, the average VA hospital cost for the same procedure is nearly $6,000 at an eight-day stay. Prostate removal? Community hospitals are forced to operate for the less than $3,000 that Medicare will give them and

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keep patients for an average of just under five days. The VA takes nearly seven days at a cost of $4,600.

Of course, the VA might tell you that its figures are inflated because the vets who turn to it are generally older and sicker than the average hospital patient. And some are. But even if they aren't, the hospitals won't send them home in a hurry. A 1985 General Accounting Office (GAO) study reported that with better management VA hospitals could have cut inpatient days by 43 percent. "The VA is the only hospital system in the country where the average length of stay is measured in seasons, not days," says a private health care consultant.

What allows this type of waste to proliferate is simple: the absence of a disciplined regulatory system for VA care. While the Medicare bureaucracy has its problems (just ask any of the thousands of doctors who have enough Medicare paperwork to repaper their waiting rooms), the VA could learn a lesson from Medicare rules that prevent superfluous spending on items like extra overnight stays or useless exams. While a recently established VA hospital reimbursement system will pay each hospital a fixed amount depending on the type of care given to a patient, the procedures and costs are audited by no outside entity. "The VA won't accept any requirements for accountability," laments a former Senate veterans affairs committee staffer.

Of course, the real irony is the low quality of much of that overpriced care. To their credit, VA hospitals have been leaders in treating spinal cord injuries, initiating innovative programs to address alcohol and drug abuse, and caring for the elderly. Moreover, the system boasts a number of excellent hospitals, most of them affiliated with top medical schools, such as the Brockton-West Roxbury VA Medical Center, which has ties to Harvard's program, and the UCLA-linked West Los Angeles VA Medical Center. But, as has been documented by several recent studies, the care at the average VA hospital tends to be well below average.

So well below, in fact, that just this past November, a congressional investigator discovered incompetence and neglect at each of the six veterans hospitals she examined—failings she determined in several cases to have been the primary cause of a patient's death. In her testimony before a House subcommittee, she spoke of finding "nurses [who] allowed patients with life-threatening illness to languish for hours, even days, without monitoring." The worst case involved a Cheyenne, Wyoming, patient whose bladder cancer, a normally curable illness, metastasized while he waited 45 days for the hospital to settle a contract dispute with its urologist. When someone finally noticed that the patient had lost 30 pounds and the cancer had spread, they shipped him to the Denver VA hospital, where he soon died.

Semper fiasco

In many ways, the care and cost problems of the VA system only mirror those that beset American health care as a whole, from lack of fiscal and medical accountability to poorly trained staff. But the VA system, with its limited number of hospitals and its manageable clientele, could be reformed into a model of first-rate health care provision. Unfortunately, nearly every major effort to change the way the veterans do their medical business has been dead on arrival, thanks to the troika that guards veterans' interests: the VA, the veterans' lobby, and Congress.

The VA's motivation to thwart reform isn't tough to plumb. A full 90 percent of the VA's staff is involved in running its medical system, thus any talk of radical change in the health-care process directly threatens the VA's main source of power, not to mention a huge chunk of its budget. And while bureaucratic self-protection is nothing new to government, the VA's intransigence is backed by one of the most formidable phalanxes in American politics: the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and other smaller groups that comprise the veterans' lobby.

The lobby's leaders boast of being able to deliver more than a million letters to Congress on any given issue, and they don't take lightly any serious attempts to change their health care system. Consider what happened in February, when the VA agreed to join with the Department of Health and Human Services in a pilot program allowing non-vets to use VA hospitals in rural Virginia and Alabama, where hospitals are few in number. The veterans' lobby threw a fit, arguing that such a move would shut veterans out of their own hospitals, even after a VA spokesman had told them that opening the vacancy-heavy facilities to non-vets would have "no impact" on veterans in the two states and would perhaps enhance service there.

After the Senate voted 91 to 3 to block the program, VA secretary Edward Derwinski terminated the plan, fearing the vet lobby. "I decided, hell, I have a chance of getting rolled over or getting off the road," he told *The Washington Post*, adding that the Senate felt the same pressure in this, an election year. "Privately, everyone was saying, 'A great idea, but I can't vote for it.' "

Why not? Because when lobby leaders invoke the American flag, it's hard to say no. Just listen to what one vet lobbyist, Mario Raimondi of the New York State Veterans of Foreign Wars, had to say about the

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common-sense plan: "This proposal is a tragic error and a shameful display of unconcern for the American veterans and their continued need for medical assistance."

But it's not just the lobby that Congress has to worry about, says a Senate staffer who handles veterans affairs. "The average citizen sees the hospital system and the cemeteries as the only two tangible reminders of our commitment to take care of those who have been in the military."

VAcancies

Of course, after so much media documentation, even diehard congressional loyalists admit that some VAs aren't taking proper care of those military men. While some call for butterfly stitches and cash infusions, what the VA really needs is major surgery—a health care voucher system that essentially eliminates the VA hospital system, turning the most viable of its hospital facilities over to community hospitals. That would help solve two American health care crises at once: the excess of hospital beds nationwide (American community hospitals are only two thirds full) and the extremely expensive upkeep of our special facilities for vets.

Without the need to staff and maintain its own facilities, the VA could shift hundreds of millions of dollars to direct medical expenses. This approach would preserve the best of the current system—free health care for veterans in need—and eliminate the worst: the bureaucracy that has stymied the VA's ability to provide adequate care at reasonable costs.

While some of the VA hospitals would be closed under such a plan (do Boston and Chicago really need four VA units when their community hospitals are one-quarter to one-third empty?), others would be converted to community hospitals, which could serve non-veterans as well as vets, just like the pilot program in the South that was deep-sixed this winter. If the voucher system alone is too expensive for our nation to bear, the government could provide a buy-in option for nonentitled vets and thus ensure care to a much greater number of veterans.

Mind you, it's not just economists who think a plan like this might work. "There's no real medical or financial reason why the VA ought to have its own system of hospitals," says Dr. Steve Koukol, former surgery resident at West Virginia's Morgantown Veterans Hospital. "It would be better for veterans and more economically effective if we threw the system out and used vouchers." But when the subject of vouchers comes up, VA loyalists tend to note their hospitals' skill in dealing with vet-specifics. In addition to experience tending to maladies commonly afflicting veterans (battle wounds, depression, alcoholism and drug addiction, and illnesses common to older men), VA hospitals are continually lauded by medical administrators for maintaining a vet-friendly environment. But can't community hospitals employ staff skilled at veterans' care? Besides, any urban trauma center today is, sadly enough, experienced at treating gunshot wounds.

Community leaders in Baltimore argued along these lines when a localized version of the voucher plan nearly took shape back in 1982. As the city planned to tear down and replace one of the three area veterans hospitals, the Maryland Hospital Association suggested that instead of erecting a new facility, veterans should be provided with vouchers to use at community hospitals—after all, the city already had more than 2,600 empty beds. For the government and taxpayers, the plan would have meant tens of millions of dollars saved by not constructing a new unit. For the veterans themselves, it would've meant more efficient care. But to the nation's veterans' organizations, it meant heresy. Fearing a backlash at the polls, not one member of Congress was willing to propose the necessary legislation to make the plan fly, even though the empty beds in Baltimore were costing an estimated $122,000 each annually to maintain. The new $118 million Baltimore VA Medical Center will open this spring.

The ultimate irony of this is that the average poor vet in Baltimore, or Omaha or Little Rock or Tacoma, probably doesn't have the same kind of allegiance to the VA hospital as he does to the notion of good health care. "I wouldn't have any objection to going to a regular hospital," says James Williams, the Omaha resident shipped 500 miles for his kidney stone treatment. "If I have that choice, I'll take it." But these vets—the ones with firsthand experience in the dilapidated VA system—aren't the ones being heard when it comes time to talk of VA reform. "The quality of care in the VA hospitals is, on the whole, better than that in community hospitals," boasts Dr. Earl Brown, a former Veterans Affairs health-care administrator and staunch defender of the status quo. But does he go to a VA hospital? "No," he concedes. "The care there is not exactly the most . . . expedient."

That's precisely the point, Dr. Brown. And perhaps if every veterans lobbyist and loyalist congressman had to take a dose of that inexpedient care, they'd come to the same conclusion James Williams has. Sure, jury-rigging the VAs for another half-century may make our leaders gleam red-white-and-blue. But when it comes to health care, the truly patriotic move—for the guys who serve and the taxpayers who pay—is to close those VAs down. □

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MEMO OF THE MONTH

MEMORANDUM

DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
FOOD AND DRUG ADMINISTRATION

DATE: February 13, 1992

Please make your group aware of this training promptly.

TO: See Below

FROM: District Director
FDA/Dallas District/HFR-SW100

SUBJECT: "Change" Seminars

Change: to make different in some particular; to give a different position, course or direction; to make a shift from one to another; to become different; to undergo transformation, transition...Webster's New Collegiate Dictionary. Interestingly, the attempt to define change is as about as long as the attempt to define time. Yet, both are inescapable for all of us. Time will inevitably bring about change. How do you view change? How do you deal with change? What "effect" does change have on you?

The Regional Personnel Office will help us answer some of these questions by means of "Change" seminars. Attendance is required by all Dallas-based DAL-DO employees. The seminar schedule is as follows:

February 19th	1:00 p.m. - 3:00 p.m.
February 28th	9:30 a.m. - 11:30 a.m.
February 28th	1:00 p.m. - 3:00 p.m.

It is our hope that we can balance the seminars for a close to even spread in each of the three. The seminars will be held in the library.

The attached is a proposed breakout for the three seminars. Changes can be made to accommodate travel, scheduled leave or other work assignments. If a change in the list is necessary, please notify my secretary as soon as possible.

Douglas C Payne

Douglas C. Payne

/gnp:021392

Addressees:
O. D. Evans, DAMB (HFR-SW130)
R. J. Hatfield, DGB (HFR-SW140)
R. J. Deininger, DIB (HFR-Sw150)
D. E. Brown, DLB (HFR-SW160)

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Lie Society

The Cold War's over. But its legacy of lying remains

by Peter Gray

One ordinary morning—it was March 27, 1992—I opened up my *New York Times* and here's what I found: One in four scientists suspect that their peers lie about their work; nuclear test site employees in Nevada, claiming they were lied to about the dangerous levels of radiation to which they were exposed, are suing the government; two California inmates are freed after 17 years in prison for murder after three "witnesses" admit they lied in their original trial testimony; the federal government and Rockwell Corporation admit to lying about their handling of radioactive waste at the Rocky Flats nuclear weapons plant; a letter to the editor defends a law firm that lied on behalf of its client, Charles Keating; and an op-ed notes that as a Silverado Bank officer, Neil Bush approved a $100 million loan to his business partners and then, straight-faced, claimed he never suspected it was a conflict of interest. With my morning coffee, I got one piece of toast, two eggs, and six lies. And that's just the A section.

The lie is a little like smog: It blankets us, but we hardly notice. Oliver North admits he lied and we not only forgive him, we pay him to tell us about it. The Bush administration lies about the covert U.S. aid that helped Saddam Hussein build up his military and about the extent of allied "friendly fire" deaths, and we throw parades to celebrate our "victory." There are plenty of causes of America's current immobility besides deception—but as an explanation, don't sell it short.

Joseph Goebbels, Hitler's Marlin Fitzwater, was the first in modern times to observe that big lies work best. And in America, the biggest and best lie has long been "national security." In the fifties, a senator lied to the nation about the Communist conspiracy. In the sixties and seventies, the military lied to thou-

Peter Gray, a senior science and policy writer for Friends of the Earth, is a contributing editor of The Washington Monthly.

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sands of young soldiers, their parents, and itself about Vietnam. Meanwhile, the facts about the Castro assassination plots were sealed up so tight by the inner government they will probably never be unstuck.

In the seventies, a president used the CIA and the FBI to help hide the most embarrassing political scandal in American history. Which brings us to the eighties and Iran-contra, which was steeped in so many lies that historians may never get to the bottom of it.

Unfortunately, all this lying isn't just a political problem. To lie, and lie righteously, seems to be the one trickle-down effect that's actually trickled down. A generation ago, Dow Chemical used the veil of national security to keep soldiers in the dark about Agent Orange. Today, without even that superficial justification, a subsidiary, Dow Corning, has apparently employed similar deception in marketing silicon breast implants.

It's not just faceless institutions doing innocent citizens wrong. Dow Corning's employees, like employees everywhere, probably have done their fair share of lying, too. A survey by executive headhunters recently concluded that more than 40 percent of executives lied on their resumes. But forget statistics. Just think of how many times you've lied to disengage from a dinner date, a job responsibility, a forgotten familial obligation. And how easy it was to rationalize it to yourself.

We Americans love to think of ourselves as Huck Finns, but there's a little of the King and the Duke in all of us. No matter how much we hate to be lied to, we are remarkably comfortable with the lie. So why harp on it now? Today, with the end of the Cold War, we have a unique opportunity to erase this deepening national character stain. Gone with the Soviet threat is the biggest excuse for big lies—lies about the harmful effects of nuclear weapons production, about our government's domestic spying, about the need for gold-plated weapons systems. For the first time in half a century, we have a chance to safely renounce our willingness to lie and to be lied to—a chance to realign our moral compass. And yet the needle hardly flutters.

MKULTRAgedy

It's ironic that Americans fell into the national security lie just as they began fighting a nation with vast expertise in the technique. Marxist dogma is based on doing just about anything for the greater good. The American version of the greater good theory seemed to be that the separation of powers had worked so well that it was no longer needed, and that the market economy had provided so many benefits that corporations could be trusted to voluntarily act in the public interest. Americans bought the gambit—public confidence in government and private institutions soared during precisely the period

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when the military, the CIA, and the Atomic Energy Commission (AEC) were using the dark to do their darkest deeds.

Most five-year-olds can identify the harm that comes from lying, but perhaps we adults need it spelled out more dramatically. Let's start with the most sinister of all government lies: denial of the harmful effects of nuclear weapons tests.

In *Countdown Zero*, former Marine 2nd Lieutenant Thomas Saffer described an atomic bomb test he watched from an open trench just two miles away:

> With my eyes tightly closed, I could see the bones in my forearm as though I were examining a red x-ray. . . . I was . . . bounced helplessly off one trench wall and then off the other. . . . The ash continued to fall, and we had nowhere to go for shelter. . . . Where trucks and tanks had stood before the detonation, there was nothing. Everything had been vaporized or tossed hundreds of yards. . . . The ground felt hot beneath my feet. . . . A group of Marines, dressed as though they were taking a casual stroll in the desert, [were] standing in the contaminated area.

A library could be stocked with similar stories from the 300,000 veterans who were exposed to nuclear weapons tests in Nevada and the South Pacific. These troops were never informed of the dangers they faced. What made such concealments possible was a perversion of the well-warranted secrecy of the Manhattan Project. But before long, even ordinary citizens like Laura Lee Bailie could be sacrificed for slightly less critical causes.

One year, 80 of the 200 calves born on Bailie's farm near the AEC's plutonium facility at Hanford, Washington were deformed. On the few occasions when AEC officials commented on such episodes, they attributed them to poor livestock management. In 1946, Bailie had a stillborn daughter, and the next year, her son Tom was born with numerous birth defects and health problems. By age 18, Tom Bailie was permanently sterile. His parents and both sisters have had cancer. Among 28 neighboring families, only one has escaped cancer, thyroid disease, and serious birth defects.

What had happened? For 20 years, the AEC and its contractor, General Electric, exposed residents of Idaho, Oregon, and Washington—the "Hanford Downwinders"—to whopping doses of radioactive iodine (I-131) and other dangerous substances. But the AEC and its offspring, the Department of Energy (DOE), concealed their knowledge of Hanford's emissions—*27,000 times* the I-131 output of Three Mile Island—for four decades. In fact, until 1986, when the DOE was finally forced to release a damning heap of documents, officials insisted that there were "no observable health effects" from Hanford. So intent were the generals and scientists on preserving the lie that they didn't even advise Hanford's citizens about such simple measures for limiting radiation exposure as avoiding fresh produce and milk.

It wasn't just the AEC that rationalized ruining lives with the excuse of national security. Val Orlikow, wife of a Canadian politician, became a victim of CIA deception when she went to the hospital in 1956 for treatment of postpartum depression. There, psychiatrist Ewen Cameron put her through more than four months of partial sensory deprivation, including 16 LSD injections and weeks of "psychic driving" using repetitive brainwashing tapes.

After Robert Logie's leg pains were incorrectly diagnosed as psychosomatic, Dr. Cameron "depatterned" him with a series of intense electroshocks and LSD trips, then put him in a drug-induced "sleep" for 23 days. Another doctor described Logie's life afterward as "marginal. . . . [H]e managed to function, work, and exist, but barely."

Dr. Cameron told neither of these patients, nor dozens like them, that his "treatments" were mind control experiments sponsored by the CIA's super-secret "MKULTRA" program. MKULTRA also funded numerous experiments in the U.S., the records of which have never been fully revealed. In 1978 the agency finally admitted in internal memoranda that it had been at fault, and the U.S. apologized privately to Canada. CIA director Stansfield Turner told Congress he would notify all the experimental subjects and take steps to help them. Ten years later, and 30 years after the brainwashing began, the subjects had been neither notified nor compensated, and the agency was

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strenuously blocking litigation on behalf of nine victims. In one court case, the CIA fought against releasing evidence of the official apologies to Canada, claiming that exposure of those innocuous letters would damage—all together, now—national security.

Is such deception a thing of the past? Thanks to the Freedom of Information Act (FOIA) and more sophisticated investigative reporting, it's surely less common, but as Iran-contra reminds us, it's overly optimistic to think that big-time government deception is obsolete. According to *Alien Ink*, a recent study of the FBI's surveillance of American writers, FBI officials privately admit they keep two sets of files on some of their citizen-targets: one to release under FOIA, and another with the real stuff. The same kind of thinking prompted the military last year to exaggerate the success of the Patriot missile in the Gulf war—the latest in a string of deceptions used by the Reagan and Bush administrations to lobby Congress to prop up Star Wars research.

Big bother

With the government setting the tone, it's little surprise that the 20th century saw prevarication become standard operating procedure in American business. Of course, only a political scientist desperate for a dissertation would blame all corporate deceit on the government's example; every town in 19th-century America boasted a few entrepreneurs hawking snake oil wrapped in promises. But as corporations grew more sophisticated, they similarly grew more sophisticated in using and hiding deception.

About the same time the Hanford Downwinders were soaking up their radiation, inklings began to develop that tobacco companies had been lying for decades about their products, sitting—with the government's help—on solid evidence of the link between smoking and lung cancer that could have prevented millions of premature deaths. A few years later, Ralph Nader's *Unsafe at Any Speed* documented the great lengths to which General Motors went to blanket its bad news. While national security lying served to protect the government from criticism and oversight, such corporate lying served a different, but also commanding, master: the bottom line.

The exposure of the cigarette companies and car manufacturers made headlines and changed the way many people felt about business, but those busts did not scare other corporations straight. Almost three decades after the Surgeon General's report and the thalidomide scandal, the congressional subcommittee that oversees the FDA is still a fount of information on drug companies that have suppressed evidence about dangerous side effects discovered during premarket testing. Meanwhile, 13 coal companies admitted last month (after a three-year Department of Labor investigation) to lying to their workers and the government about the amount of disease-causing coal dust in the mine air. That may be just the tip of the scandal; 520 other coal companies are now under investigation for similar offenses. And then there's Wall Street. During a recent investigation of 27 Street firms dealing in government-backed securities, 18 admitted to lying in an attempt to corner larger slices of the market. (Three who asserted they had not lied lost money.)

Not only do corporations lie, but some feel righteous in doing so. For instance, after the government indicted the law firm that represented Charles Keating's S&L for its extreme efforts to conceal the institution's financial problems, other law firms rallied around it.

If profit were the only reason to lie, effective government regulation might suffice. Unfortunately it's not that easy anymore. While a 15-year-old who dissembles to cover her Friday night tracks might not say, "Well, Dow Corning and the Department of Defense do it, too," our cultural toleration of institutional deceit surely has an effect on the way we conduct our own lives.

Tawana Brawley, Jimmy Swaggart, and Milli Vanilli may be exaggerations of the phenomenon, but they're hardly aberrations. Just look at a week's worth of coverage of the House bank scandal. A few House members, when confronted with their overdrafts, lied outright about the frequency of their

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check-bouncing and the amounts involved, while others came up with excuses worthy of a grade schooler without homework. Dick Cheney lied about giving George Bush advance notice of his own involvement in the scandal (or else Bush lied about not getting it). And Tom Foley seemed to dissemble about his assiduousness in following up on the early General Accounting Office reports.

Still, we Americans aren't entirely hypocritical. As we lie our heads off, we're also fairly tolerant of the habit in others. Only 19 percent of voters surveyed recently thought Bill Clinton was an honest man. But 45 percent said they'd still vote for him.

That lowered standard shouldn't be disturbing solely to the ethicist. History suggests that when lies are exposed, the cultural and political damage may be further reaching than the Hanford radiation. The lies surrounding Vietnam convinced tens of thousands that the only answer was tuning out; the legacy of Watergate was a 15 percent decline in voter participation—this despite massive government accountability reforms. And today, when we look with wonder at how many young people buy Oliver Stone's JFK conspiracy theory, or how many African-Americans believe that white people have a "plan" for their destruction, it should occur to us that that's the natural consequence of so many lies brought to light. Why shouldn't Americans be cynical? In the sixties, they lied about the number of dead in Vietnam. In the eighties, they lied about the Iranian and Iraqi arms deals. Who knows what they're lying about now?

Lie and let die

Lying has fostered a cynicism far more durable than the enemies that inspired it. While that's a depressing thought, it holds within it an opportunity. With the death of communism, what better time to kick the habit?

Addressing our national character flaw is hardly the government's exclusive responsibility—imagine the enforcement bureau of the Department of Official and Nonofficial Honesty. But it's essential that it start there, with better oversight of national security programs and less secrecy about them: two obvious keys to preventing replays of Hanford and MKULTRA. When leakers of high-level secrets can face prison as punishment but over-classifiers are not even demoted, the system isn't properly balanced. Classifying a document ought to be a difficult undertaking, not an everyday habit. And when someone is caught classifying unnecessarily, the penalty should be severe.

Besides making it harder for officials to deceive the public, we must also make it easier for determined liars to be caught by protecting those who attempt to expose them. (Unfortunately, Congress is currently considering *watering down* its whistleblower statute.)

Yet as we change laws regarding official lying, it's critical to change public expectations, too. With their votes and actions, Americans must let public officials know that they consider honesty a basic obligation of government and corporations, whether the subject is S&Ls, bank overdrafts, or time-bomb breasts. And that if honesty is sacrificed, those politicians and corporate leaders should be made to pay.

Asking people to *do something* about official lying may seem wildly idealistic. But doing nothing threatens us with a society not all that far from the one Milton Mayer wrote about in his 1966 book, *They Thought They Were Free*:

> What happened [in Nazi Germany] was the gradual habituation of the people . . . to being governed by surprise; to receiving decisions deliberated in secret; to believing that the situation was so complicated that the government has to act on information which the people could not understand or so dangerous that, even if the people could understand it, it could not be released because of national security. . . .

Obviously, democracy ensures neither honesty nor integrity. Thus one of the great tasks of a democratic society is to constantly expose and punish official lying—warding off that deadening "gradual habituation" by actively opposing dishonesty in public, and personal, life. What's the connection? While the ability to say "I cheated on my wife" or "I inhaled" may not have a direct effect on covert CIA operations, it *will* give us the moral valence to get indignant the next time we open the *New York Times* to a breakfast of big, slippery lies. □

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The Emperors Have No Robes

Relax, liberals. The courts have seldom been a crucible of American social justice

by Terence Moran

There's an old story in American law that David Savage's book* brings to mind. On a Saturday afternoon many years ago, Justice Oliver Wendell Holmes Jr. took a break from his work at the Supreme Court and went for lunch with his friend Judge Learned Hand, a man 30 years younger than Holmes who was just beginning a celebrated judicial career of his own. As the two men returned to the Old Senate Chamber in the Capitol Building, where the Supreme Court once sat, they took their leave, and Hand called out to Holmes, "Sir, do justice." The old man wheeled around, glared at his protégé, and fired back, "That is not my job. My job, sir, is to play the game according to the rules."

Holmes' candor still shocks. The notion that what's legal isn't necessarily what's just offends a basic principle Americans hold about their society. You might call it the "Shining City" theory of law: Up there on that verdant hill, the law is an essential instrument, not a frequent impediment, to justice. No other nation clings to this illusion with such tenacity.

Chief Justice William Rehnquist and the Supreme Court he has led for five and a half years have systematically set out to disabuse us of this notion. Savage, who covers the Court for the *Los Angeles Times*, tells the story of Rehnquist's campaign in workmanlike detail. One is grateful for Savage's patient tabulation of the issues and conflicts in many key cases during Rehnquist's tenure as chief, but not particularly moved by his conclusions nor engaged by his narrative. This is a book, perhaps, more of case digests than digested cases.

Part of Savage's problem stems from his perspective. He judges the justices purely by how politically correct their decisions are. When excluded and dispossessed Americans

Terence Moran is a reporter and editor at Legal Times.

**Turning Right: The Making of the Rehnquist Supreme Court.* David G. Savage. *Wiley, $22.95.*

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win a vote in the chambers of the Court, Savage calls the result "liberal" and implies (though he never comes out and says it) that this result is good. When anyone else wins, Savage labels this "conservative" and treats it as one might treat an undeserving best-seller—with a knowing disparagement, a whiff of hauteur.

This style of analysis mirrors the mainstream media's coverage of the Court. And for anyone who shares Savage's progressive values, his terminology seems spot on. Indeed, it is salutary to have here a record, damning in its extent, of the winners and losers at the Rehnquist Court. If there were ever any doubt about the chances for achieving further social progress on a national scale through the medium of the Court, Savage puts it to rest.

That, of course, is precisely Rehnquist's point. Social progress, for the chief justice, is exclusively our business, not his (and one gets the distinct impression that he does not wish us well in the work). His job, as Holmes pointed out, is law, not justice. It should come as no surprise to Americans familiar with the role of lawyers in the savings-and-loan disaster, the international arms and drug trades, the takeover gluttony of the last 10 years, and every political campaign, that legal acumen guarantees nothing in the way of civic virtue. One is almost grateful to Rehnquist, a fine lawyer, for reminding us of this.

Regal legals

Savage, however, seems to have fallen for the extravagant claims made on behalf of lawyers and the law over the last generation. He is a devotee of the cult of the Court, hoping to find in its marble temple the fix for most American problems. How far beyond the realm of human limitations Savage is willing to place his justices can be seen in the odd, and slightly dishonest, narrative technique he employs.

Throughout *Turning Right*, Savage summarizes many cases by perfunctorily outlining the facts, quoting from oral arguments (the book's most engrossing material), and then, in what seems an extraordinary reportorial coup, revealing the justices' debates in conference. Only nine people are privy to those debates; they represent a hidden peak of power in the American government. Savage implies he has scaled those heights. Time and again, he begins a narrative passage with the phrases, "When the justices convened," or "At conference." But all he ever delivers is a little boilerplate and, worse, direct quotations from the opinions ultimately released. This produces absurdities of "dialogue" such as Sandra Day O'Connor's supposedly telling her colleagues "at conference" that the Court must not "insulate [government officials] *(sic)* from liability for deliberate and calculated exposure of otherwise healthy military personnel to experimentation without their consent, outside of any combat, combat training, or military exigency, and for no other reason than to gather information on the effect of LSD on human beings." These lines can be found in O'Connor's concurrence in *U.S.* v. *Stanley*. That's not reporting; it's xeroxing.

It's also a kind of judicial hagiography, an approach that assumes justices talk like law books. While flattering to the Supremes, this misunderstanding reflects Savage's reverence for those books and his palpable hope that the answers for our civic ills can, or should, be found in their cool, dry pages. In this, Savage typifies a strain of elite liberalism that has come to rely more on litigation than legislation, more on suing people than persuading them, in the struggle for social reform. This error has been nearly fatal to the progressive cause.

Consider the crucial issue of civil rights. When it comes to the color line, the values of the left are unequivocal and unequivocally true: America's failure to achieve racial justice stands as a continuing indictment of our democracy and represents the deepest betrayal of the ideals that gave birth to this country. Peace among the races and truly equal opportunity for every citizen must rank at the very top of the progressive agenda. Pursuing that agenda through the courts, however, is, and often has been, a misallocation of resources as well as a dangerously counterproductive strategy. The Supreme Court, for instance, did not desegregate the nation's schools. Congress did.

Saying this may be liberal heresy, but the facts are conclusive. Gerald Rosenberg, a political scientist and instructor in law at the University of Chicago, has told the story compellingly in a fascinating book published last year called *The Hollow Hope: Can Courts Bring About Social Change?* Between 1954 and 1964, Rosenberg recounts, the Court handed down five "landmark" school desegregation cases, all of them unanimous, all implacably declaring segregation unconstitutional and demanding its cessation. Yet, by the 1964-65 school year, only .03 percent of the African-American children in Alabama went to an elementary or secondary school with white children. In Arkansas, the figure was .81 percent; in Georgia, .40 percent; in South Carolina, .10 percent; and in Mississippi, .02 percent. Earl Warren wasn't getting anywhere.

At least not until Lyndon Johnson joined him. The historic civil-rights legislation of 1964-66, and the simultaneous, massive infusion of federal funds into education that operated as the carrot accompanying the legislative stick, made the country's great leap

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forward possible. By the 1970-71 school year, more than 85 percent of the African-American schoolchildren in the South were attending schools with white children. Politics, not court decisions, led to justice.

The reason for the Warren Court's inefficacy in desegregating schools goes to the heart of the long liberal miscalculation in the courts. Courts decide cases; but this specific, deeply constrained power can only be taken so far, no matter how freely one may interpret the Constitution. Most of the problems the country faces—racial discrimination, poverty, a degraded environment, failed regulatory schemes—demand the practical action of political debate and compromise, not the esoteric balancing tests and obscure doctrinal modifications handed down from judicial heights. Policy made from the bench lacks not only democratic input—as social critics from Eugene Debs to Robert Bork have pointed out—but democratic tools as well.

Most of the problems the country faces—racial discrimination, poverty, a degraded environment, failed regulatory schemes—demand the practical action of political debate and compromise, not the obscure doctrinal modifications handed down from judicial heights.

This is not conservative doctrine, though justices hostile to progressive policies are forcing it upon the country. Self-government is a liberal ideal, and since liberals in so many realms—from race to the environment to the tax code—have powerful arguments on their side, self-government will mean liberal achievement. One just has to be willing to fight for it in the political arena. The best thing to happen to civil rights policy over the past few years was the vigorous debate over and successful passage of the Civil Rights Act of 1991; the bill served as a powerful medium for focusing all the hopes and fears that America's ongoing struggle for racial justice always awakens. In the end, the good guys won.

That fight took place in Congress and with the president. On Rehnquist's Court, as Savage consistently notes, the good guys usually lose. Women, minorities, workers, the poor, criminal suspects, prison inmates, nonconformists, lesbian and gay people—the list of losers is relentlessly dispiriting. Why Rehnquist's justice rankles is a question that goes beyond the Court, beyond the law even, to the inchoate democratic hopes most Americans share. The justices are frequently the focus of these hopes, less for the policy prescriptions they issue than for the unique place they occupy in the national debate. The failure of the Rehnquist Court can be found in its categorical rejection of such a thing as hope in law.

We pay judges to judge; what this means has long been an area of fierce academic and political debate. Rehnquist and the school of "originalists" he more or less leads figure judging to be a fairly mechanical operation: One decides specific cases by applying the words of a statute or of the Constitution as they were originally understood by those who wrote them. Justice is bound tightly to texts, read in the narrowest historiographic fashion.

There are virtues in this approach, chief among them the renunciation of much of the judicial power accumulated under the Warren Court and the consequent need to revivify the democratic work of the American left. For instance, that the Supreme Court will not keep us from the savagery of capital punishment is ultimately a good thing. In light of the Constitution's emphasis on self-government and its acceptance of capital punishment, it is rightly we, not William Brennan, who must put a stop to state-sponsored killing. We cannot foist all the responsibility for justice on the Court.

For justice in America is not a set of precedents or rulings or doctrines; nor is it to be found only in the hallowed halls of the country's courts. Rather, justice in our country is a great conversation, and it takes place in our legislatures and bureaucracies, in our workplaces and homes. The Supreme Court is only one voice, and not always the last voice, in that conversation. (Edwin Meese III was roundly scorned for saying this, but he was right.) French Christian radical Charles Peguy once said that justice begins in mysticism and ends in politics; in America, it stops in between at the family dinner table.

The damage Rehnquist has inflicted on this process comes from his rejection of the role a judge's civic conscience plays in reaching decisions. By couching all issues as matter for textual exegesis rather than moral reflection, as a function of logic

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more than wisdom, Rehnquist and his followers do violence to the democratic conversation about justice in America. They are civic nihilists.

This is not to say that judges should tell us what's right and solve all our problems; that would be slipping into Savage's cult of the robe. A judge's civic morality includes as a leading precept a profound deference to democratic decisionmaking, to our voices determining in sometimes discordant measures what justice is. But judges also must decide between the moral incommensurates of democratic life. *Mercy* v. *retribution*, *privacy* v. *morality*, *liberty* v. *equality*—these are not the names of the cases that come before the Court, but they might as well be. They get there because the country sends them there. We await their outcomes with such hope not because we're looking for policy or for history, but because we're looking for that ancient province of judges: wisdom.

What this might mean in practice boils down to two principles, exemplified in two recent cases Savage outlines. First, democratic majorities by their nature have coercive powers that are abused when all discussion of a wrenching issue is ended and further dialogue is closed off—when, in short, politics is silenced. The Court must not side with such a majority; it must try to keep the conversation going. This approach is elegantly articulated in Robert Burt's new book, *The Constitution in Conflict*, and it was courageously applied by Justice O'Connor in the 1985 case *Wallace* v. *Jaffree*. There, the state of Alabama tried to force its public schoolchildren to bow their heads in prayer or leave class. The Court's 6–3 opinion hinged on O'Connor's common-sense perception (she has become a profound jurist on matters of church and state precisely because of her common sense) that if it is wrong to prohibit a child from praying on public property—as Brennan and many liberals seek to do—it is equally illegitimate to force a child to pray there. Her middle ground is not mushy; it is fair, and seen as such by most Americans.

The other precept at the heart of a justice's responsibility to speak conscientiously in the national discourse comes when human dignity is at stake. The Constitution may be silent on such questions, but the Court can legitimately lead when American actions betray the most basic American ideals. *Stanford* v. *Kentucky*, the 1989 juvenile death-penalty case, provides a tragic example of Rehnquist's Court abandoning this duty. Perhaps the Court must let us kill; but can it do nothing to keep us from killing children, or the mentally retarded, or the insane? The wise judge does not flinch from mercy.

To say that wisdom is no business of the Court is to reduce a justice to a legal functionary. This conception was not shared by the people who founded the republic. The framers so admired by Rehnquistians kept their debates in Philadelphia secret for decades for a very good reason: they thought the words they wrote should speak for themselves. Judges give those words the only meaning words can have, the shared understanding of the people who speak the language. The present tense is critical.

Warren's peace

This limited role justices play in helping to define the moral underpinnings of the nation is best seen in *Brown* v. *Board of Education*—a case that simply couldn't be decided by reference to "black-letter" law or "original intent." Warren's opinion for a unanimous Court is the greatest achievement in American law not because it actually desegregated the nation's schools (as Rosenberg demonstrates, widespread civic commitment was necessary for that), but because *Brown* is the noblest example of the Court speaking to the conscience of the country, and speaking plainly.

But *Brown* was made necessary because all other political institutions had utterly failed and were continuing to fail in coming to grips with the profoundly changing meaning of the words "equal protection of the laws." Words do not change their meanings willy-nilly or with every passing academic phase. They change as the people who speak them change, and that's why when words take on new meaning, it is political institutions, and not courts, that ought to refashion the law. Sometimes, however, we need a shot of courage to start that work. The Court can provide that impetus, but it can only do so when it is truly crystallizing a consensus in the country, when it captures an emerging understanding of justice, when it sums up the strains of the great debate.

In the most difficult cases that come before the Court, law—whether in the form of original intent historiography or quasi-legislative policymaking—isn't enough. We look to the justices to speak their unadorned conscience in the language of today when they face the most troubling issues in our society. Though limited by the natural constraints on the reach of judicial power, the men and women who sit in our courts have a duty to weigh in on the moral questions, the questions of values, that divide us. That's why Rehnquist's deliberate renunciation of the role his conscience plays in establishing justice in America, for all the good it may ultimately do the democratic left, amounts to a civic failure. That's why the Court he leads is a lesser institution than Earl Warren's Court, for all its excesses. That's why, ultimately, Justice Holmes was wrong. □

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The Spy Who Loved Us

KGB defector Oleg Penkovsky was dying to give America the Soviets' deepest secrets. So how did the CIA lose him?

by Tim Weiner

The Central Intelligence Agency knew little of value about the Soviet Union in the summer of 1960, when presidential candidate John F. Kennedy was terrifying voters with the fraudulent but powerful image of a missile gap. The fear of Soviet nuclear superiority was founded in ignorance. In 1960, there was no CIA station chief in Moscow and no station to speak of, no CIA officer who spoke Russian, no way to penetrate the steely Soviet shield —no one, in short, to listen when Oleg Penkovsky, a deeply disgruntled colonel in Soviet military intelligence who knew the truth about Soviet missilery, tried to deliver himself unto America.

In the first of Penkovsky's four attempts, he surreptitiously handed off a package to two wary American students. They took the goods to the embassy in Moscow and received a stern lecture from a security officer. The package made its way to Washington via a diplomatic pouch. Penkovsky waited. Nothing. He approached two British businessmen who delivered Penkovsky's business card and home telephone number to MI6. The British foreign intelligence service passed on the number to its American cousin. Penkovsky stared at his phone for months. Nothing. He gave a large envelope containing drawings of Soviet ballistic missiles to a Canadian diplomat and begged him to take it to the CIA. Nothing.

At CIA headquarters, the agency's best Soviet officers read through the contents of Penkovsky's first package with the ardor of Keats looking into Chapman's Homer—"like some watcher of the skies when a new planet swims into his ken." It was like nothing they had ever seen: actual inside information from an active-duty Soviet intelligence officer. Unfortunately, the CIA sent an incompetent to Moscow to make contact with Penkovsky—an inexperienced, alcoholic officer code-named COMPASS. Drunk, the CIA man called the Soviet officer an hour past the appointed time and babbled senselessly to him in broken Russian.

In the meantime, Penkovsky had been assigned to the State Committee on Science and Technology, limiting his freedom to travel abroad. Eight months after he first tried to contact the CIA, he met Greville Wynne, a British businessman in Moscow who worked for MI6, and turned over yet another packet of secrets. An assignation was set. On April 20, the day Fidel Castro declared victory at the Bay of Pigs, Penkovsky landed in London as the head of a trade delegation. That evening, he met with American and British intelligence officers in a smoke-filled hotel room and began his new life. An official record of the CIA written in 1976 deemed Penkovsky "the single most valuable agent in CIA history."

This book has something of the air of an official history, which should come as no surprise given that one author is a journalist and former White House spokesman and the other a KGB defector who served as a consultant to the CIA for 30 years. But the authors go beyond even the agency's glowing appraisal to anoint Penkovsky savior of the world, the spy whose intelligence kept the Berlin crisis of 1961 and the Cuban missile crisis from exploding into nuclear war.

The transcripts of Penkovsky's debriefings were generously bequeathed to the authors by the CIA under the Freedom of Information Act. (They were published in 1965, albeit in sanitized, souped-up, and somewhat fictionalized form, with the CIA's editorial assistance, as a purported spy's diary, *The Penkovsky Papers*. The current book's co-author, Peter Deriabin, translated the edited transcripts of the original CIA bestseller.) Lengthy excerpts of the conversations between Penkovsky and the CIA over the months in which they communed form the basic text of this book. They show—as *The Penkovsky Papers* did not —that this most valuable agent revealed that the So-

Tim Weiner is Washington correspondent for The Philadelphia Inquirer *and the author of* Blank Check: The CIA's Black Budget.

The Spy Who Saved The World: How a Soviet Colonel Changed the Course of the Cold War. Jerrold L. Schecter, Peter S. Deriabin. *Scribner's, $25.*

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viets were playing a game of liar's poker with their nuclear weapons.

U.S. strategic doctrine of the day called for the destruction of the Soviet Union and all its satellites with more than 5,000 nuclear weapons in the event of a Soviet invasion of Europe. Everything of strategic value from Poland to the Pacific would have been reduced, as a U.S. naval officer who saw the war plan of the late fifties observed, to "a smoking, radiating ruin" within two hours. The plan was developed after the U.S. Air Force invented the "missile gap" by creating and leaking estimates during the late fifties that the Soviets had hundreds of ICBMs and soon would have thousands.

Not only was Khrushchev lying when he claimed Moscow was squeezing out ICBMs "like sausages," but the Soviet Union's sausages were horsemeat. The enemy was really nothing more than Upper Volta with rockets—and not many rockets at that.

Penkovsky divulged that the Soviets had a mere handful of ICBMs, whose electronics and fuel systems were dubious. Fans of Le Carré will see in Penkovsky the basis for Dante, the physicist in *The Russia House* who reveals Soviet rocketry to be as efficient as Soviet econometrics.

In their first meeting, Penkovsky told the CIA that "the Soviet Union is definitely not prepared at this time for war. . . . Khrushchev is not going to fire any rockets." There was no Soviet ICBM force worth the name, though the Soviets were struggling furiously to catch up with the U.S.—a goal they would not achieve for nearly 20 years.

Not only was Khrushchev lying when he claimed Moscow was squeezing out intercontinental ballistic missiles "like sausages," but the Soviet Union's sausages were horsemeat. The economy was crumbling because "everything is subordinated to the armaments race." Penkovsky continued:

> [In a land war in Europe] countless numbers of officers and soldiers would simply desert to the other side. This is because all of these ideals for which many of our fathers, brothers, and relatives died have turned out to be nothing but a bluff and a deceit. There is always the promise that things will be better, but actually nothing is better and things are only getting worse. I swear to you that only in Moscow and Leningrad can one even purchase decent food. . . . [Outside the cities] it is difficult to get bread. There are no roads, which results in unbelievable transportation delays and breakdowns; grain is rotting since it cannot be delivered.

The enemy was really nothing more than Upper Volta with rockets—and not many rockets at that.

In some 50 hours of meetings with CIA officers in London and Paris during the next three months, Penkovsky produced a torrent of data: the command structure of the KGB, Soviet military intelligence, and the Communist Party central committee; the names of more than 300 Soviet spooks; KGB tradecraft; Red Army doctrine; barstool gossip; and minutiae about life inside the Soviet state. He also delivered more than 10,000 pages of military manuals and documents. Penkovsky unnerved his auditors by offering to plant dozens of small nuclear mines at strategic sites throughout Moscow, and by urging a preemptive war against Moscow. The CIA had never had a source quite like him.

The authors credit Penkovsky with providing the first reliable human intelligence of Soviet nuclear strength and, in so doing, giving the White House the backbone to stand up to the Soviets in the confrontations over Berlin and Cuba. That may be oversimplifying a bit. In February 1961, two months before Penkovsky's first debriefing, the newly appointed secretary of defense, Robert S. McNamara, reviewed the first set of spy-satellite photographs ever taken of the Soviet Union and told the press that the missile gap did not exist—and if there was one, it was in Washington's favor. Penkovsky's revelations simply would not have been decisive without overhead reconnaissance, and without McNamara's reevaluation of the wisdom of a massive, spasmodic nuclear strike against the Soviets. While the take from Penkovsky was invaluable in the case of Cuba—his data on Soviet missiles gave the White House time to think—other factors were at least as important in helping Kennedy reach his decision. The U.S. knew it was far more powerful than the Soviets. The Soviets knew we knew. In crisis, both sides acted accordingly.

CIAo

At about the time Kennedy confronted the Soviets in Cuba, Penkovsky was arrested by the KGB. He had been under surveillance for months, burned by the CIA's inability to provide experienced contacts or safe sites where he could deposit information in Moscow. He continued to spy regardless, driven by his own desires and the demands of his

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mon Sense

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handlers. He begged the CIA to exfiltrate him; the agency could not. He was tried as a turncoat and shot.

The official recognition of Penkovsky as the most valuable agent ever to come to the CIA from inside Russia should be evaluated in light of the CIA's treatment of others. As is now well known, the CIA's ability to deal properly with Soviet defectors had been, by the time of Penkovsky's trial, poisoned by the byzantine conspiracy theories of the agency's half-mad counterintelligence chief, James J. Angleton. A KGB officer who defected in December 1961, Anatoly Golitsin, quickly convinced Angleton that any Soviet who followed him would be a plant, and that there was a Soviet mole somewhere in the CIA's chain of command. Angleton tore the agency apart looking for the mole, ruining the careers of scores of CIA officers. He vigorously attempted to debunk Penkovsky; imprisoned an important defector, Yuri Nosenko, who came over in June 1962; and in time paralyzed the Soviet division. As David Wise demonstrates in his book, *Molehunt*, Penkovsky's capture may have been facilitated by the fact that the first CIA station chief in Moscow, Paul Garbler, who took his post in December 1961, knew almost nothing of the Penkovsky operation. He was not told that a "dead drop" (a secret location for passing materials to and from Penkovsky) was under KGB surveillance, though CIA headquarters had been told of that fact. Why was Garbler cut out of the loop? He had fallen victim to Angleton's paranoia and was tagged as a "potential Soviet agent." Penkovsky's place as an unparalleled Soviet spy was ensured by Angleton's attempts to discredit all defectors who came after him.

The Spy Who Saved The World is an important antidote to previous histories of the CIA that have accepted uncritically the reams of nonsense published in the United States and Great Britain about the Penkovsky case. It both benefits and suffers from its extensive use of transcripts from the CIA's Penkovsky files. Like most transcriptions, it is full of facts and devoid of deep thought. But it convincingly demonstrates that 30 years ago the CIA possessed inside information from a unique source that strongly suggested that the Soviet state was foredoomed. Had the CIA not gone down a thousand blind alleys searching for moles, it could have developed a clearer understanding of the enemy long before Soviet policy defeated itself. And had presidents and policymakers achieved that understanding, some of the treasure the United States devoted to our costly standoff with that doomed state might have been saved, and our present fortunes vastly improved. □

Colorbind

In Andrew Hacker's world, race is everything. In the real one, it's not so simple

by James Traub

Andrew Hacker, a political scientist not normally given to literary devices, offers the following parable in *Two Nations**: You are visited by an official who informs you that, owing to an unfortunate mistake, you were born white. You were, in fact, supposed to be black, and at midnight tonight you will become black, in features as well as skin, although "inside you will be the person you always were." The official represents a wealthy organization that will be happy to pay you any amount you think appropriate to compensate for this mishap over the 50 years remaining to you. How much would you consider appropriate?

Students to whom this hypothetical is put, says Hacker, tend to request around $50 million, conveying the value white people put on their own skins.

With this ingenious device, Hacker compels white readers to recognize the immensity of the gulf that separates black from white in America. Almost 50 years after Gunnar Myrdal published *An American Dilemma* and almost 25 years after the Kerner Commission report, the situation of black people in America remains dire. The black unemployment rate is almost two and a half times the white rate, and the gap is growing; blacks' SAT scores are almost 200 points below scores of white students; blacks are three to

James Traub, a contributor to Harper's *and* The Atlantic Monthly, *writes frequently about race.*

**Two Nations: Black and White, Separate, Hostile, Unequal.* Andrew Hacker. *Scribner's, $24.95.*

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five times as likely as whites to commit violent crimes—and to be victimized by them. To be black in America, Hacker writes, is "a disconsolate estate."

But most of Hacker's readers won't need to be reminded of the bald facts. The real argument of *Two Nations* is that the racial attitude of whites is responsible for the failure of blacks—that blacks fail because whites want them to. For whites, writes Hacker, blacks constitute a psychic version of Marx's reserve pool of labor. "No matter how degraded their lives," Hacker writes, "white people are still allowed to believe they possess the blood, the genes, the patrimony of superiority. No matter what happens, they can never become 'black.' White Americans of all classes have found it comforting to preserve blacks as a subordinate caste: a presence which, despite all its strains and problems, still provides whites with some solace in a stressful world."

Many other groups have satisfied this need in the past. At one time our Anglo-American founders made do with the Irish, and then Southern Europeans, Eastern European Jews, and Asians. "Whiteness" was not a biological characteristic, but a set of social attributes defined by the ruling class. The gradual absorption of these groups, many of them "non-white," by the American mainstream shows that skin color is not in itself the issue. "White America has always had the power to expand its domain," writes Hacker. "However, in the past and even now, it has shown a particular reluctance to absorb people of African descent."

In other words, racism has proved to be transitory with all groups save blacks, upon whom has fallen the role of subordinate caste. Only blacks were enslaved, and the ideology of genetic inferiority that justified slavery in the face of America's formal commitment to human equality endures to this day. "There remains," Hacker writes, "an unarticulated suspicion: Might there be something about the black race that suited them for slavery?"

Like most right-thinking Americans, I have been trained to admit to almost any degree of unconscious racism; Hacker even lists this trait as one of the hallmarks of the liberal. But he presumes upon liberal guilt a little too far. "Some say quite openly," he writes, "that all too many blacks should not be bearing children." I don't even follow the syntax of that sentence. I also wonder whether if by "some" he means somebody other than David Duke. In any case, if one of his students at Queens College made a statement like that, I assume that Professor Hacker would tell him or her to marshal some evidence.

Hacker's sensitivity to the causes and consequences of racism is both the strength and the failure of this book. He knows that statistics will take him only so far, and so he ventures into territory unfamiliar to most social scientists. In a chapter titled "Being Black in America," Hacker tries to shed his "subject position," as the Marxists say, and put himself inside the mind of a black person. The ensuing chapter, "White Responses," attempts to document the conservative repudiation of race-based demands and liberals' fretful accommodation.

I don't know whether other scholars will tweak Hacker for going soft, or whether blacks will ridicule his presumption; when I mentioned the passage to a black academic, she just snickered. It seems to me that the willingness to place yourself in the position of the disadvantaged party is one thing that separates liberals from conservatives. But Hacker is aware that he may be charged with cultural trespassing, and he goes to great (I think excessive) pains to prove that he is a friendly visitor. Black writers of various ideological persuasions—Patricia Williams, Shelby Steele, and Lorene Cary—have described the difficulties, the hesitancies, the doubleness, of being black in America. Hacker describes victimization.

In a way, Hacker is trying to explain why so many non-poor, non-militant blacks seem drawn to mythologies and conspiracy theories. How would *you* feel, he implicitly asks the white reader, if you knew that you couldn't move into a white neighborhood even if yours were a hard-working, middle-class family? How would you react to being treated as if you were the carrier of a contamination, a $50 million taint? You wouldn't have to be crazy to wonder, as Hacker writes, "Can this nation have an unstated strategy for annihilating my people?" The sense of dispossession is real, even if the conspiracy theory is a phantom.

But therein lies a cul-de-sac. The belief that everything is the result of racism may not be patently incredible, but it's certainly wrong. Not only is it wrong, it's dangerous as a guide to action. The ideology of victimization, as Steele writes, is "the tragedy of black power in America today. . . . Social victims may be collectively entitled, but they are all too often individually demoralized. Since the social victim has been oppressed by society, he comes to feel that his individual life will be improved more by changes in society than by his own initiative." He becomes fodder for the next Al Sharpton.

And is it really the case that racism governs all outcomes for black people? If so, then why are West Indians so successful? Conservative black economist Thomas Sowell has calculated that West Indian average family income is only slightly less than the national norm, while blacks earn only a little over three fifths of that standard. When I wrote an article about this phenomenon 10 years ago, I was struck by the

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fact that Jamaican or Trinidadian shopkeepers and undertakers to whom I spoke were well acquainted with racism, but did not consider it an insurmountable obstacle to success. Like other immigrants, they thought of themselves more in national than in racial terms. They behaved like other immigrant groups, and they succeeded more or less as others did.

It would be too much to say that Caribbeans, like Asians or Arabs, have been accorded "white" status; racial prejudice is clearly too strong for that. But by behaving in the ingratiating manner associated with immigrants—by working much harder, and at less pleasant jobs, than other Americans, by being more disciplined and caring more about schools—they've gotten their piece of the American dream. American-born blacks, answers Hacker, aren't immigrants and shouldn't have to behave like them. That may be so; but the unwillingness to accept the possibility of progress, and the eagerness to accept Sharpton's siren song, only contribute to the problem of racism.

Two notions

In fact, the inner city is now teeming with new immigrants, most of them dark-skinned, many of them likely to be granted the honorary white status that Hacker describes; the whole model of "two societies" is becoming obsolete. Hacker not only recognizes this phenomenon, but wrote a piece that appeared on the cover of *The New Republic* in March entitled "The Myths of Racial Division." Though Hacker reiterated his argument that racism, rather than something else, accounts for the difference in black-white achievement, he described a growing de-racialization brought about by the new immigrants. "Asians and hispanics and others who want to make it on their own have seen the harm that being 'racial' can do," he wrote. That's dead-on; and it's a convincing refutation of large portions of *Two Nations*.

Hacker almost always moves beyond the conventional interpretation of data, and he has a special gift for chipping away at those fragments of good news that optimists cling to. He notes, for example, that while the proportion of black households earning $50,000 a year or more has risen 46 percent over the last 20 years, very few black men or women earn that much. "So while there is a much larger black middle class, more typically, the husband is likely to be a bus driver earning $32,000, while his wife brings home $28,000 as a teacher or a nurse. A white middle-class family is three or four times more likely to contain a husband earning $75,000 in a managerial position, which allows him to support a nonworking wife. It is not easy to visualize these couples living on the same block, let alone becoming acquainted with one another." Nor is it likely that the same black couple will enjoy the same sense of prosperity as the white couple.

But Hacker's ultimate purpose is still to substantiate his argument that racism is the cause of black economic failure. He says, for example, that the growth in female-headed households among black families, usually cited as an index of social disintegration, has been misinterpreted. While it's true that the percentage of such households among all black families has grown from 17 percent to 56 percent over the past 40 years, he notes, it's also true that among whites the figure has risen from 5 percent to 17 percent. Thus "the biracial ratio has remained remarkably stable throughout the 40-year period." Hacker finds this somehow reassuring.

He argues that the same forces have pushed the rate up among blacks and whites. "Men's liberation" has removed the stigma attached to abandoning your family; "the right to reproduce" has removed the stigma from bearing a child out of wedlock, or without the prospect of an involved father. In addition to those forces, the pool of "marriageable" black men has been reduced by jail, drug abuse, chronic unemployment, and even death. Even within the middle class, says Hacker, "the strains that come with being black put extra burdens on a marriage."

This takes us a long way beyond the usual reading of these figures, but I find it hard to believe that the stability of the "biracial ratio" is more telling than the gulf between the races. Isn't it a disaster that the majority of black children are growing up without a father? The rise of what Hacker neutrally terms "other configurations," like the multigenerational household, is a sign of how a community copes under stress, but it's not an answer to the problem, as Hacker claims. He notes censoriously that "mothers now on AFDC"—the principal welfare program—"are seen as bad models for society as a whole and their children in particular." Most mothers on AFDC I know don't view themselves as good models.

I work with formerly homeless families in Harlem, and two of the most demoralizing aspects of their life stories are how many of them represent second-generation female-headed households, and how many daughters and nieces are replicating the pattern. Their salvation is often the indomitable grandmother who lives nearby. But grandma isn't enough. Once a teenage girl drops out of school or work to have a child and then becomes that child's principal source of support, it will take real heroism on her part to avoid the clutches of welfare.

Hacker agrees that having a child early in life, out of wedlock, is highly correlated with future poverty, at least among blacks. But he views the choice as being a matter of individual, rather than social, psychol-

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ogy. Perhaps, he writes, a girl chooses to get pregnant and carry the child to term because she lacks confidence in herself and in her future; a girl with more self-esteem, or a willingness to listen to good advice, might decide otherwise. That must be true, but the lack of a sense of the future is one aspect of a larger problem: self-destructive behavior in the ghetto.

Skin flux

The unnamed enemy of *Two Nations* is the "family-breakdown" or "culture of the underclass" theory. This theory, first broadcast to the public in Daniel Patrick Moynihan's 1965 study, "The Negro Family," argues that family breakdown and welfare dependency among the urban black poor have become self-perpetuating, so that blacks are largely unable to seize opportunity as other minority groups have in the past. It is not current discrimination but the legacy of generations of racism and oppression that ensures the persistence of black poverty.

For many years this was the theory that dared not speak its name; Moynihan, then assistant secretary of labor, was practically martyred for trying to base national policy upon it. Few men have relished their martyrdom as Moynihan did, and he lived to see himself vindicated. I remember being startled when I got my annual fundraising letter from the NAACP in 1983, and there was Benjamin Hooks talking about a study designed to look at the ongoing problems of the black family. Yesterday's heresy was today's research project. The most recent book to prominently advance a form of Moynihan's argument is Nicholas Lemann's *The Promised Land.*

Many blacks find the theory deeply insulting, though Moynihan made a point of citing such black scholars as W.E.B. Du Bois, E. Franklin Frazier, and Kenneth Clark in his report. For Hacker to countenance such a theory would be to violate the effort of sympathy, or identification, that underlies *Two Nations*. Hacker's deep aversion to the idea causes him to put a distinct spin on family-composition figures.

Moynihan was accused of "blaming the victim," and those who came after him were similarly charged. But it's not blaming the victim to say that centuries of hateful and discriminatory treatment, followed by a mass migration of unprecedented speed from a rural to an urban setting, have produced conditions that cannot be banished by a change in attitude on the part of white America. It seems more like common sense. The real argument is over what sort of policies can break what Clark called "the institutionalized pathology" of the ghetto.

But it *is* true that these theories serve as a convenient pretext for political leaders and ordinary citizens to avert their gaze from something they'd rather not contemplate in the first place. Hacker argues that this is exactly what's happening now, and it's not a difficult case to make. He is tart not only on the subject of Republican race-baiting, but on those white liberals who, through exhaustion or disaffection, have just turned the dial. He notes that a concern for the environment has replaced civil rights as the chief preoccupation of many such folk. It may not be coincidental, Hacker observes, that fur-bearing animals "never grumble or turn resentful or ungrateful. Nor is it likely that dolphins will present themselves one day and proclaim that they henceforward wish to assume control over their own struggle." Touché.

Clearly, the elimination of black poverty is becoming yesterday's cause. Residential and school desegregation efforts are largely played out. The Democratic candidates for president appear to have a tacit pact to mention the words "black" and "poor" as infrequently as possible. And yet Hacker argues persuasively that some of the apparent signs of black economic progress are illusory or transitory. Things are getting worse, not better. Whether or not you agree that racism is the exclusive cause of persistent black poverty, it's becoming increasingly apparent to blacks that many whites couldn't care less whether or not they succeed. □

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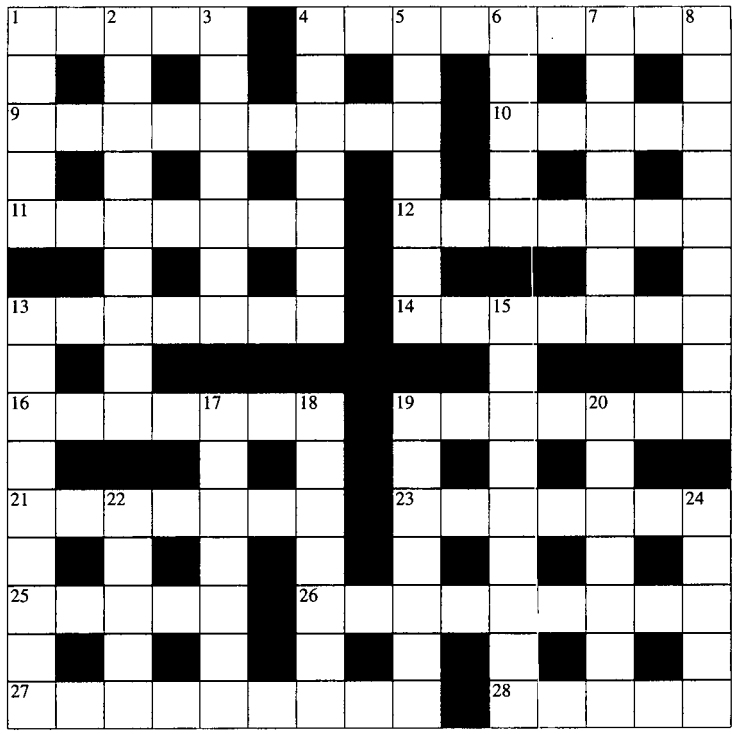
POLITICAL PUZZLE

by John Barclay

The numbers indicate the number of letters and words, e.g. (2,3) means a two-letter word followed by a three-letter word. Groups of letters, e.g. USA, are treated as one word.



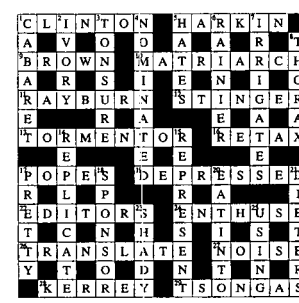
ACROSS

1. Ethical choice between Bond's boss or Capone? (5)
4. Mystic rite tying into campaign theme. (9)
9. Role assumed to reach cart deviously. (9)
10. Young lady turning out bad? (5)
11. Beltway term suited nicely after original opening. (7)
12. Give set result for remnant. (7)
13. Artificial English building material. (7)
14. Being miserably fed, lied, and polluted. (7)
16. Improving offspring set up ice gun around point. (7)
19. It's nonsense when overweight person takes in middle of suit. (7)
21. London district army, if a revolution is permitted. (7)
23. Red drug shook up nerd. (7)
25. Home for the elect? (5)
26. Complex Spring feature. (9)
27. Steady Washington diet, some call it poi. (9)
28. Use is made of 1 and 4 Across, for example. (5)

DOWN

1. Womanizer type not yet up to speed? (5)
2. Large and thin rehearsing for actual event. (4, 5)
3. Direction set up in angle. (7)
4. Place to hang new heir net. (2, 5)
5. Prospered after drive around following last part of month. (7)
6. Costumes for driving? (5)
7. Beginning of Latin II translation. (7)
8. Dry eyes at moving history. (9)
13. Amish step around one means of transportation. (9)
15. Carefully cut it fine for pasta. (9)
17. Those adjacent sent ERA reeling. (7)
18. Persistent former leader in style. (7)
19. Uncontrolled fear led to type of union. (7)
20. Absorbs and gets sin involved. (7)
22. Second person with short future—Christmas, we hear. (5)
24. Franco-Russian users parading. (5)

Answers to last month's puzzle:



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POLITICAL BOOKNOTES

Reclaiming the Mainstream: Individualist Feminism Rediscovered. Joan Kennedy Taylor. *Prometheus, $24.95.* It's not easy finding a woman who's proud to call herself a feminist these days. On college campuses, survey after survey shows, feminism has a bad reputation among the generation of women who've benefited most from it; Taylor notes disparagingly in her introduction that even her own friends and colleagues (presumably middle-aged intellectuals) shy away from the label. And yet, at a time when abortion rights are under siege and professional and domestic demands on women are on the rise, the need for a broad feminist movement is as great as it's ever been. So how can those of us still willing to go by the f-word make ourselves and our movement more palatable to the American mainstream? "Shave," quips my friend Lauren (who doesn't).

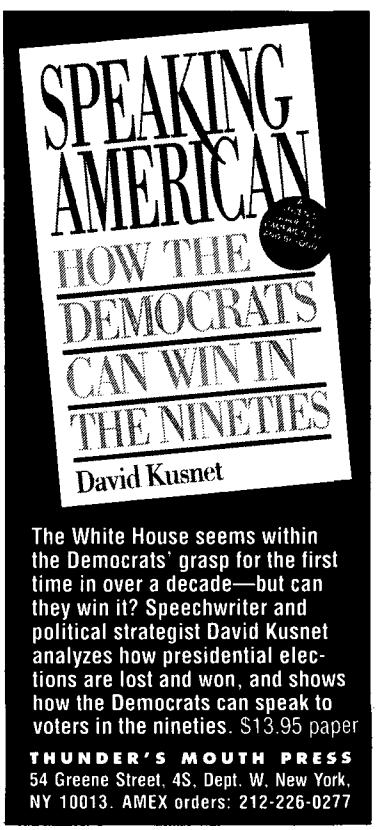
Taylor's reply is longer. She argues that feminism should return to what she considers its roots: a commitment to securing individual rights for all women—and nothing more. The feminist's political imperative, as she sees it, is to oppose government interference in business or personal life, whether that interference bars women from male privileges, "protects" them in their role as mothers, or compensates them for past injustices. If the state is oppressive as Big Brother, she argues, Big Sister would be no less a threat.

Despite the cutesy chapter headings ("A Funny Thing Happened to Us on the Way to the ERA," "Inside Every Socialist is an Individualist Trying to Get Out"), this is a pretty dense book. In the early sections, Taylor argues convincingly that most prominent early feminist thinkers (Mary Wollestonecraft, Charlotte Perkins Gilman, Susan B. Anthony) adhered to an essentially libertarian philosophy, focusing on abolishing laws that denied women their rights to life, liberty, and happiness. Of course, this was only natural in an era when common law prohibited a married woman from owning property, signing contracts, voting, or escaping a brutal husband. But Taylor believes the libertarian (she calls it "individualist") impulse remains the most valuable aspect of modern feminism, and the most likely to "galvanize women into the feminist camp."

She opposes affirmative action, saying it would end up quota-ing women out of certain jobs or making their qualifications suspect if they are hired. She's against government-enforced coeducation or forced mixing of single-sex organizations because she wants women to retain their right to keep some schools or clubs all-female. She opposes anti-pornography legislation on free speech grounds.

Strong anti-rape laws and abortion rights are necessary, she argues, because they are based on the rights of the individual to be protected from harm and to control her own body. Taylor approves of the Equal Rights Amendment as it was originally conceived, to prevent discrimination by the government itself. But she believes it lost its popular support when its opponents—followed by misguided advocates—began to claim it would impose restrictive anti-discrimination rules on the private sector.

In a particularly provocative section, Taylor applies her individualist dos and don'ts to current legal debates. She criticizes the prosecution of Jennifer Johnson, the Florida woman convicted of "delivering" cocaine to her unborn fetus, arguing that during pregnancy, the interests of the woman must supersede those of the fetus. Similarly, she opposes any rules that would bar women of child-bearing age from working in potentially dangerous jobs, saying they hardly differ from the "protective" (read: sexist) labor laws that shut women out of 19th-century workplaces. And she calls for an end to the governmental ban on fetal tissue research, citing the remarkable case of a staunchly anti-abortion minister's wife who allowed surgeons to use tissue from an aborted fetus to save her own disease-ridden fetus. Her husband later told a congressional hearing that the operation's



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success was "a message from God that fetal tissue research should go forward."

It's feminism ACLU-style. (Taylor cites the ACLU's Women's Rights Project several times as an example of what feminist activists should be doing but dismisses the National Organization for Women in five paragraphs for "adopting an increasingly narrow political agenda.") And, to a feminist predisposed to a civil liberties viewpoint, most of it works pretty well. But as for capturing the imaginations of mainstream American women, Gloria Steinem probably comes closer with her best-selling revelation that self-esteem is critical (something any "Oprah"-watcher could have told you years ago). I happen to agree with Taylor that prostitution should be legal, but it's not exactly a position that's going to win the hearts and minds of most Americans —including the many feminists who think prostitution should remain illegal because it exploits women.

And Taylor is overly optimistic in her suggestion that changing the feminist agenda can stem the backlash against women's rights. You might get the impression from this book that the widespread aversion to feminism is based on a rational critique of the movement's political philosophy and legislative goals. Unfortunately, it isn't. In 1972, when then-White House aide Patrick Buchanan wrote a memo calling the women's movement "the Butch Brigade" and "an object of ridicule," he wasn't reacting to specific policies advocated by the movement; he was just responding viscerally—as others have before and since—to the extremely threatening prospect of women asserting their rights.

Which brings us to a word you won't find in *Reclaiming the Mainstream*: misogyny. Taylor runs like hell from any analysis that portrays women as the victims of male oppression. And the radical feminists who hold to such an analysis come off as a bunch of conspiracy theorists and kvetches. According to one woman quoted by Taylor, such women are so politically correct that the only person who could pass their test would be "a lesbian prostitute on welfare who lives in a separatist community and has aborted several male embryos."

To Taylor, it seems, the sole oppressor is big government. She even goes so far as to argue that discrimination was *created* by "governmentally enforced inequality," suggesting that sexism did not predate the laws that condoned it. Maybe it sounds whiny to say so, but our society still harbors a strong current of opposition to women's progress, one that will continue to operate with or without government sanction. How else to explain Hollywood's biggest recent female icons: an ice-pick-wielding slut and a nanny with an ax to grind—literally. Relax, libertarians, I'm not suggesting a ban on sexist movies. But it's probably worth acknowledging that intrusive laws aren't the only thing we're up against.

—*Julie Cohen*

Tombstones: A Lawyer's Tales from the Takeover Decades. Lawrence Lederman. *Farrar, Straus, and Giroux, $24.* As a partner at Wachtell, Lipton, Rosen & Katz, the high-powered New York law firm, Lawrence Lederman had a hand in some of the largest corporate deals of the last 15 years. He helped sell Stokely-Van Camp to Quaker Oats, auctioned Macmillan to Robert Maxwell, and unsuccessfully defended West Point-Pepperell from a ruinous takeover by William Farley. His toothless memoir is peopled by the usual suspects. Henry Kravis crafts leveraged buyouts, Bruce Wasserstein dickers with bidders, Robert Bass triggers a takeover, T. Boone Pickens artlessly tries to charm an opponent, and Michael Milken hovers in the distance. In the midst of it all, corporate plenipotentiary Lederman confers with boards of directors, fields late-night phone calls, and rushes out onto the tarmac to catch the next private jet.

For all the reconstructions of critical meetings and board room faceoffs, this book is oddly equivocal; Lederman fails to give us much of a sense of how he feels about it all. Before long, one high-stakes deal begins to look much like the next. It's as if Lederman believes the mere presence of these titans of finance is enough to sustain the narrative.

The moral of this tale is similarly muzzy. Lawyers are agents for change, Lederman says. But, alas, change in the corporate arena "isn't always for the best. And there are considerable costs." Unfortunately, Lederman never says what these costs are, aside from a few moguls being forced out of corporations they either built or inherited.

The underlying story is Lederman's own climb up the class ladder. Educated at humble Brooklyn College, he worked his way into New York University law school and landed a job as a California supreme court clerk in 1966. When he ascended to Cravath, Swaine & Moore (the archetype of law firm prestige and power), a fellow clerk teased that by going to work on Wall Street, Lederman risked becoming "a United Fruit fascist bastard." Once at Cravath, he wound up working on a deal for—wink, nudge—United Fruit.

Tutored by the sages at Cravath, the budding legal eagle moved to Wachtell, Lipton, and made partner just as the merger and acquisition era dawned. Eventually, Wachtell emerged as the preeminent firm representing managements against hostile raids. The thirst for its expertise became so great that its lawyers began billing like investment bankers, abandoning hourly rates in favor of fees based on the size of the deal, with bonuses for favorable results. While Lederman coyly notes that the firm's alliance with managements "proved very successful," he never offers the crass reality—that by some estimates, he and his cohorts each pulled down more than $1 million a year.

Just so readers know he isn't a total greedhead, the author devotes a chapter to his pro bono work for Phoenix House, a New York residential treatment program for drug addicts. Asked to persuade a bank to forgive a loan to a drug treatment center Phoenix House sought to acquire (even nonprofits weren't immune to the empire-building craze), Lederman phoned a friend at Cravath who represented the bank and wrangled the release. We're assured that this is not an instance of legal old-boys trading favors. Rather, asserts Lederman, his friend merely assessed the bank's legal position and conveniently found it untenable.

"That is the way lawyers always deal with each other," Lederman

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explains. "Without my saying anything, he knew it was best to be gracious. That's the way all cases are settled." Perhaps. But if Lederman were as genteel as all that, he wouldn't have made partner at Hyatt Legal Services, let alone at one of the most competitive firms in the country.

Lederman also supplies a blithe version of the convulsion at Wachtell when partner Ilan Reich confessed to his role in Dennis Levine's insider trading ring. Reich was the second Wachtell partner in five years nailed for insider trading. Lederman had not only helped train the hapless Reich, but also hired the other partner nabbed for insider trading, Carlo Florentino.

Shaken by Reich's exposure in 1986, Wachtell chieftain Martin Lipton asked Lederman if the firm was somehow responsible for Reich's errant ways. Ever politic, Lederman assured him that Wachtell, Lipton was not culpable, although he admits to readers that the denial of responsibility continued to trouble him.

Lederman's explanation for the behavior of his fallen comrades is distressingly muddled. Since neither lawyer used the profits of his illegal trades, he asserts that "fear of failure," not mere greed, was the link between the two disgraced counselors. "If success eluded them, they would seek money to cushion the loss," Lederman writes. "Ironically, the firm offered both of them success, the antidote to their fear."

The author seems to believe that if only the two had waited for the grace conferred by partnership, they never would have strayed from the flock. But Lederman's facts contradict that contention. He notes that Florentino dabbled in illegal trading before arriving at Wachtell. Reich, he says, never trusted the firm to make him a partner, and he coveted the friendship of con-artist Levine. To the jaundiced eye, it would seem that each man was doomed from the start, and the blandishments of a Wachtell partnership would not have made a difference. In an environment where one's worth is measured by the number of digits in a deal, it's not surprising that characters like Florentino and Reich sought a modicum of satisfaction and control elsewhere.

As unreflective—and unsatisfying—as his book may be, Lederman is still the first lawyer of his ilk even to attempt such a chronicle of the frenetic dealmaking of the eighties. Until Martin Lipton publishes his diaries, *Tombstones* will have to suffice as the fullest personal account of what it was like to act as a croupier for the shuffling of the country's assets. For readers obsessed with the arcana of transactions, it may be worth an afternoon's perusal.

—*James Lyons*

Four Hours in My Lai. Michael Bilton, Kevin Sim. *Viking, $25.* Despite the fact that the Vietnam war was a moral morass, there emerged from it some principled men who were so horrified by what the writers call the "grotesque and horrible and shaming" truth about My Lai that they were not afraid to act upon their claims of conscience.

When one of those men, Captain Aubrey Daniel, the army lawyer who

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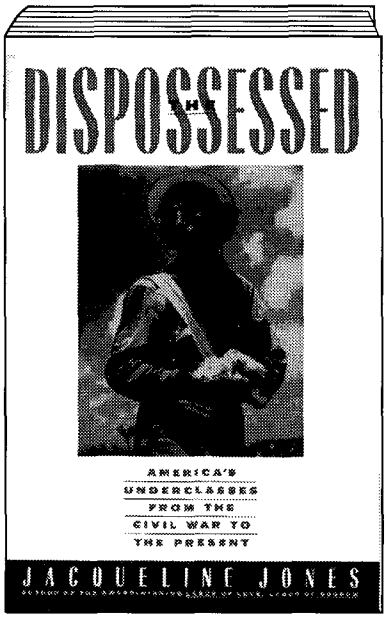

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had successfully prosecuted Lieutenant William Calley for the murder of 22 people in the Vietnamese hamlet of My Lai, learned that President Nixon had released Calley from military confinement pending his appeal, he was outraged. Only a captain, he took on the president of the United States, writing to Nixon that the president had not only damaged the military's judicial process, but "helped enhance the image of Calley as a national hero" and thereby lent credence to those who believed that Calley and his troops were merely "killing the enemy." Daniel lectured Nixon in a tone of indignation rarely heard when a subordinate addresses the powerful: "I would expect that the president of the United States, a man who I believed should and would provide the moral leadership for this nation, would stand fully behind the law of this land on a moral issue about which there can be no compromise." (This was before it became patently ridiculous to include "moral leadership" and Richard Nixon in the same sentence.)

Like the massacre and Nixon's subsequent suppression of its atrocities, Daniels' letter has become a victim of our national amnesia. All the more reason to praise this methodical, forceful, and well-documented book. Bilton and Sim, two British journalists and documentary filmmakers, have laid out the complete story, from the raid to the coverup, in straightforward and often agonizing detail. My Lai was not just another "battle." Instead, 400 unarmed Vietnamese villagers were shot, raped, sodomized, mutilated, and executed, SS style.

The authors draw especially on the Army's Crime Records Center, its Vietnam War Crimes Working Group and the papers of the Peers inquiry, interviews with Charlie Company troops and more than 100 survivors, as well as the pioneering work of journalist Seymour Hersh. The result is a devastating commentary on a war that continues to haunt us.

Bilton and Sim take us into the events leading to the crime and into the various efforts by the Army, the White House, and some congressional hawks to discredit the men who later reported, as did Vietnam veteran Ronald Ridenhour, that "something rather dark and bloody" had indeed taken place in May 1968.

After an orgy of bloodletting, PFC Paul Meadlo stopped shooting. Bilton and Sim describe the scene:

> Tears flooded down his cheeks. He turned, stuck his rifle in [Dennis] Conti's hand, and said, "You shoot them." Conti pushed the weapon back: "If they are going to be killed, I'm not doing it. Let him do it," he said, pointing at Calley. By this time Conti could see that only a few children were left standing. Mothers had thrown themselves on top of young ones in a last desperate bid to protect them from the bullets raining down on them. The children were trying to stand up. Calley opened fire again, killing them one by one. . . .
>
> Just then a child, aged about two years and parted from its mother, managed to crawl up to the top of the ditch. [James] Dursi watched horrified as Calley picked the child up, shoved it back down the slope, and shot it. . . .

Under normal circumstances, Calley would not have done such monstrous things. He seemed to believe in the righteousness of his country's cause. Like his country, he should never have been involved in the war. "I was ordered to go in there and destroy the enemy," he said at his trial. "That was my job that day . . . I carried out the orders that I was given and I do not feel wrong in doing so." In his book *Body Count*, he further sought to explain why it happened: "We weren't in My Lai to kill human beings, really. We were there to kill ideology that is carried by—I don't know. Pawns. Blobs. Pieces of flesh. And I wasn't in My Lai to destroy intelligent men. I was there to destroy an intangible idea. To destroy communism. . . . I looked at communism as a Southerner looks at a negro, supposedly. It's evil. It's bad."

Nixon's "silent majority," unwilling to believe the war was a bad deal, saw Calley as a scapegoat and quickly transformed him into a national hero. "The Battle Hymn of Lieutenant Calley" sold 200,000 copies in three days, and thousands of pro-Calley telegrams poured into the White House. Down in Georgia, we are reminded, Governor Jimmy Carter declared an "American Fighting Men's Day," urging Georgians to turn on their automobile headlights and "honor the flag as 'Rusty' had done."

But My Lai had some genuine heroes—like helicopter pilot Hugh Clowers Thompson Jr., who spotted the massacre from the air. He promptly landed his copter and ordered his door gunner to shoot any Americans killing the villagers. Then he told his superiors what he had seen.

But soon after began the coverup. After a superficial investigation, Thompson's charges were dismissed. Though he was later awarded the Distinguished Flying Cross, Thompson discarded it in protest. Nothing more was done until another hero appeared. Ronald Ridenhour, a helicopter door gunner with the 11th Infantry Brigade, heard of the massacre from another soldier and began his own investigation. Then he sent Rep. Mo Udall a damning 1,500-word, three-page letter by registered mail in order to draw attention to its contents.

His charges were explosive in a Washington where the war had unhinged the White House and its prowar retainers in Congress. Bilton and Sim write that while Nixon issued a perfunctory condemnation of the massacre (government and army flacks preferred to call it an "incident," and "the media duly obliged," they note) he, typically, "secretly demanded a special investigation of Ronald Ridenhour" and, as always, tried to blame the media. But it was too late for Nixon's bag of tricks. Some Charlie Company soldiers had finished their tours of duty and were back home talking about My Lai. The intrepid Seymour Hersh—also targeted by the White House for investigation—was already on the story. All the White House could do was refuse to have a special commission take over the investigation and turn the matter over to the army, probably in the hope of shielding the president from any further embarrassment.

Fortunately, the army had some men for whom the massacre was just too much, notably General William Westmoreland and the judge advocate general, Maj. General Kenneth Hodgson, both of whom "were appalled and horrified by the killings." Westmoreland and Secretary of the

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Army Stanley Resor demanded a complete inquiry. In the process other heroes came forward. One was Colonel William V. Wilson of the army's inspector general's office, who decided after lengthy, grueling interviews of witnesses around the country that the allegations were legitimate. "I had prayed to God this thing was fiction and I knew now that it was fact," he said afterwards. And there was the remarkable General William Peers—Westmoreland's choice to head up the investigation—who exposed the coverup and who probably failed to receive a fourth star or promotion to commander of the American forces in Korea because of his actions. When his friend and protector Westmoreland retired, Peers followed suit. My Lai was quickly forgotten.

Only one person involved in the massacre ever went to prison for the crimes—Calley, who spent a couple of months in Leavenworth. Many of the people who brought us this war went on to receive honors and rewards. Bilton and Sim prefer to lay most of the blame for the failure to resolve the case on the Nixon administration and "its complete failure to establish a clear moral lead for the nation." No surprise there. Still, we are left to decide if the atrocity was caused, as historian Guenter Lewy has argued, by "individual moral failure," or, as Ridenhour put it, by an outgrowth "of body counts and kill ratios and fire-free zones and search-and-destroy missions."

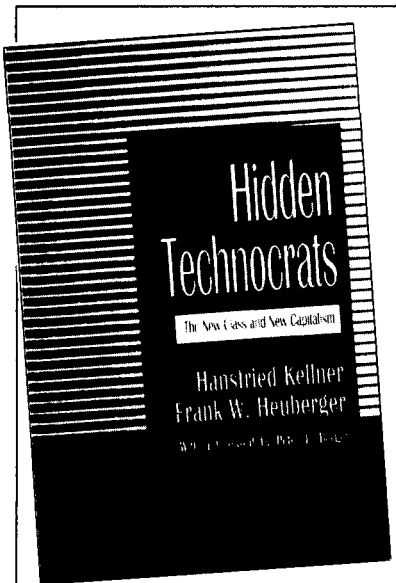
Whatever the truth, PFC Meadlo's mother's remark was a cry from the heart: "He wasn't raised up like that," she told CBS-TV after hearing her son speak of the massacre. "I raised him up to be a good boy and I did everything I could. They come along and took him to the service. He fought for his country and look what they done to him—made a murderer out of him."

I wonder if My Lai is ever discussed today in our colleges and universities. And if it isn't, why not?

—*Murray Polner*

Against Excess: Drug Policy for Results. Mark A. R. Kleiman. *Basic, $26.* The War on Drugs is forgotten, but not gone. The subject, having been taken for a joy-ride by politicians, is back in the sober hands of policy analysts and economists. Like the War on Poverty—our last example of a social gospel propagated in martial rhetoric—the drug war has revealed the flip side of our can-do positivism, turning from a crusade into an unsolvable problem. Thus the detailed logic of Kleiman's drug policy tome is not as remarkable or controversial as it would have been in the late eighties when the Republicans were playing the latest version of reefer madness and demon rum.

As the title suggests, *Against Excess* is a critique of both legalization and prohibition, of drug freaks and control freaks. For Kleiman, legalizers understate the problems of addiction, mistaking drugs for innocent, ordinary consumer goods; conversely, drug warriors wage an unrealistic, expensive, and doomed cultural holy war against certain kinds of intoxication. Like any good liberal (he uses feminine personal pronouns), Kleiman charts a middle course, exhaustively



HIDDEN TECHNOCRATS

The New Class and New Capitalism

Hansfried Kellner and Frank W. Heuberger

With a foreword by Peter L. Berger

Since the early 1970s, critics have identified a new elite in modern society, one based on the "knowledge industry." This new class has been seen as a natural political and cultural opponent of the old business based middle class—and because it naturally has close ties to academia and the media, both critics and proponents see the New Class as positioned for great influence. *Hidden Technocrats* details contemporary characteristics of the New Class phenomenon and maps its location in contemporary America and Western Europe, identifying a new symbiosis with older bourgeois culture.

Hidden Technocrats raises essential questions about whether this "new capitalism" in the making will favor or diminish the international competitiveness of the economies in which it has emerged. Stimulating and wide-ranging, the book is at the leading edge of discussion about capitalism at the close of the twentieth century.

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working through the permutations that result from the simple premise that "either we have the problems associated with drug abuse, or we have the problems associated with trying to control it—or we can choose some of each."

Kleiman convincingly shows that the current prohibition of marijuana, cocaine, and heroin is not cheap. He discusses the burden on the police, courts, and prisons; the inefficiencies, violent crime, and lost tax revenue of the black market; and the winnowing of both civil liberties and respect for the law. Kleiman codifies these social costs with a complexity rarely displayed in public discussion, favoring the wisdom one would expect of an effective policeman or treatment counselor to the rhetoric of a "Drug-Free America."

The style is that of the economist or the game theorist, concerned with costs, side effects, and ironies. With sections called "Cross-subsidy and Risk-sharing," the book at times reads as though its subject could have just as easily been insurance reform. In order to focus on fairly narrow questions about controlling drug use, Kleiman limits himself as much as possible to measurable effects. Second-order questions, such as marijuana's supposed gateway effect or needle-sharing's relationship to AIDS, are well treated and footnoted. In a point typical of the hundreds he makes, he observes that in Washington, D.C., where cocaine dealing seems "to be limited not by a fear of the law, but by the lack of opportunities, as represented by customers," arresting sellers actually strengthens the occupation, by opening up slots for new and other dealers. Although the analysis is not specifically cultural, chemical, psychological, historical, or political, these facets are usually acknowledged, if only in the well-chosen epigrams that adorn each chapter.

Kleiman fudges, though, on questions of equality. He thinks poor inner-city neighborhoods deserve more police, judges, and prison cells, but he barely acknowledges the vicious fact that poor neighborhoods have been turned into open-air drug marketplaces and battlegrounds because of laws that protect the children of affluent families from having access to recreational drugs. Prohibition, in other words, reduces the availability of drugs for the middle class and wealthy, but it subjects the poor to the traffic and crime of the illegal trade.

Legalization would eliminate the high cost of unsuccessful prohibition, but it would also almost certainly lead to a dramatic increase in the instances of drug abuse. Kleiman's inclusion of alcohol and tobacco shows he's more serious about drug abuse than most of its loudest condemners: "Alcohol . . . accounts for more violent crime, and more drug abuse deaths, than does cocaine. Tobacco kills more Americans than all other drugs combined. Is it not strange to use those facts as arguments for treating other drugs as we now treat alcohol and tobacco?"

Kleiman is most critical of current policies towards marijuana and alcohol. Calling one a drug and not the other understates the damage done by drinking and might also cause people who have enjoyed marijuana to disregard warnings against more treacherous drugs. Kleiman would have both substances subjected to a roughly equal degree of control under a system of "grudging toleration" made up of "discriminatory taxation, a conditional and revocable license for personal use, vigorous enforcement of bans on sale to minors, limitations on marketing, negative advertising, and so on." Cocaine and heroin would stay outlawed, perhaps to be joined by cigarettes.

In emphasizing practical matters like education and treatment, Kleiman tries to render the sexy legalization question as moot as possible, but in the end, he succumbs to the temptation to propose his own radical plan. It's pretty hard to imagine a humane system of drinking and smoking licenses issued by the state and enforced by retailers. That this tentative, speculative judgment was reached in the midst of a book and career full of valuable analysis doesn't make Kleiman's proposal any less bizarre or disappointing. It's strange that such a scrupulously fair codification of what we do and don't know about the effectiveness and side effects of drug programs and laws would end with a proposal so, well, stoned.

If grudging tolerance is such a good idea for marijuana, why not the same for harder drugs? In addition to all the other benefits (tax revenue, treatment, etc.), one can imagine the large bite such a measure would take out of organized crime.

The master plan notwithstanding, *Against Excess* is a hopeful sign that drug issues can be discussed in practical rather than ideological terms. Clearly, tremendous waste would be eliminated if logic guided the drug war. Kleiman (with his Harvard and government credentials) would be a fine nominee under a Democratic administration for drug czar. But in his refusal to grapple with the broader cultural questions of self-control and

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independence, Kleiman misses what makes this issue, like abortion, a contest ground for Americans' incompatible understandings of freedom and responsibility.

—*Nathaniel Wice*

The Making of Middlebrow Culture. Joan Shelley Rubin. *North Carolina, $34.95 hardcover, $14.95 paperback.* Who has had a greater influence on you—the Emily Brontë heroine Cathy or the cartoon character Cathy? Bertrand Russell or Nipsy Russell? Rimbaud or Rambo? Victorian novelist Mrs. Gaskell or Mrs. Paul?

Which brow is yours: high? middle? upper-middle with an overdeveloped sense of irony about the low? It is increasingly difficult for people to tell: Chief among the repercussions of postmodernism and its tendency to subsume pop culture into the high arts has been the blurring of distinctions between the various gradations of cultural sophistication.

In years past, these distinctions were easily made. Critics and historians have categorized American culture of the first half of this century as being either the highbrow output of the modernists, expatriates, and writers for "little magazines," or the lowbrow offerings of the worlds of movies, sports, and amusement parks. Of those few critics who have applied their powers of observation to the period's cultural middle ground—Virginia Woolf, Clement Greenberg, and Dwight Macdonald, among others—most have vilified it as an example of consumerism vanquishing substance. Macdonald, whose 1960 *Partisan Review* article "Masscult and Midcult" is the best-known critique of middlebrow culture, asserted that "midcult" is more detrimental to society than mass culture: "It pretends to respect the standards of High Culture while in fact it waters them down and vulgarizes them."

This quasi-scholarly book, written by an associate professor of American studies and history at the State University of New York at Brockport, is an illuminating and provocative rebuttal to Macdonald and other middlebrow-bashers. Tracing the history and development of five cultural institutions and phenomena that achieved prominence during the twenties, thirties, and forties—the *New York Herald Tribune*'s book-review section; book clubs, including the Book-of-the-Month Club; "great books" programs; outline volumes as exemplified by Will and Ariel Durant's *The Story of Civilization*; and literary radio programming—Rubin redresses the disregard and oversimplification that she feels have been dealt to interwar efforts to make literature available to a wide reading public.

Essential to Rubin's study is Matthew Arnold's definition of culture as "the best that has been thought and said in the world." As she introduces us to the men and women at the helms of her five institutions, she takes pains to assess whether they uphold Arnold's genteel aesthetic. Her book suggests that, even when the organizers of the five phenomena were shining examples of the Arnoldian tradition, their efforts ultimately resulted in the lowering of high culture into middlebrow, of character into personality, of art into commerce.

According to Rubin, the agents of intellectual attrition varied. Stuart Sherman, the editor of the *Herald Tribune*'s supplement, "Books," allowed his "unanalyzed prejudices" and "intuitions" to supplant his moral rigor. He also moved away from Arnoldian critical practice by deciding that current books should not be compared with older works—a decision which meshed with the sensibility of a publication whose coverage of books usually took the form of "news" instead of "criticism." In the case of "great books" promulgator John Erskine, Rubin intimates that the Columbia professor's very program (a selection of classic texts) was not conducive to edification: "By substituting information for aesthetics, [he] once again increased the temptation to regard culture as commodity." Erskine's more obvious form of pandering was his translation of classical plots into modern language—a technique he later put to use in the novel *The Private Life of Helen of Troy*.

Rubin's writing is careful and clear. Although she has the unfortunate habit of offering so many counterarguments that they undermine the strength of her original thesis, this predilection does not keep *The Making of Middlebrow Culture* from being a thoughtful and accomplished treatment of a timely topic. Indeed, the book will be especially rewarding for those interested in the process of canon formation. Although the purveyors of interwar middlebrow culture that Rubin touches upon—the aforementioned, as well as Dorothy Canfield Fisher, Mortimer Adler, Alexander Woollcott, and Mark Van Doren—are, as Rubin notes, "victims" of canon formation, they can also be seen as canonizers themselves. The elitist tenor of the Arnoldian outlook was often at odds with the idea of bringing the high arts to the masses; Rubin deftly chronicles the particular set of tensions that arise at the intersection of literary endeavor and the marketplace. She also provides specific examples of how the upholders of the genteel aesthetic failed to embrace modernism.

Rubin argues that middlebrow culture has today met its demise and offers several reasons why. In addition to tracing the gradual development of America's search for self-realization through consumption—it was no surprise, she writes, that "students in 'charm and glamor courses' were among the groups most receptive to the [Book-of-the-Month Club's] initial mail-order campaign"—Rubin also points to television's heightening of our preoccupation with celebrities and to its devaluation of the idea that knowledge requires patient, disciplined study. Rubin concludes her book by limning the irony inherent in Mark Van Doren's son, Charles, having achieved great notoriety in 1957 by memorizing the answers to questions on the TV quiz show "Twenty-One." "The son of a man who, to a great extent, perpetuated gentility, Van Doren captured the admiration of the public by exhibiting the mastery of information, earning money, and redefining culture as performance." Rubin's portrait of the young Van Doren poignantly captures the demise of the genteel tradition itself; she concludes he was "less dishonest than lost—an uneasy, floundering figure whose outward resemblance to an Emersonian man of letters concealed his inability to sustain that tradition in post-World War II America."

—*Henry Alford*

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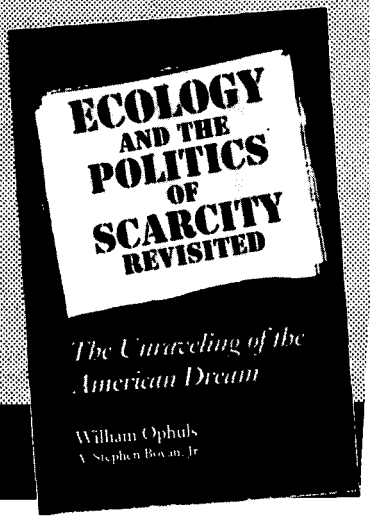

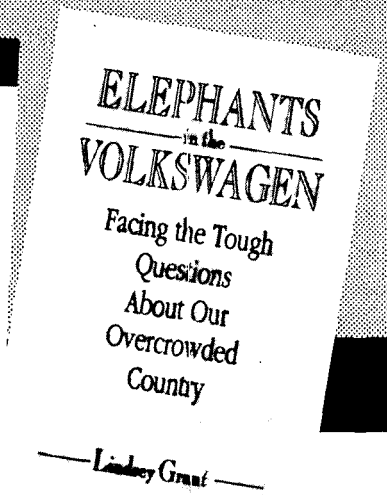

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